



**Gongwer Coverage**

**SB 221**  **AGENCY RULEMAKING (Uecker, J.)** To reform agency rule-making and legislative review thereof.


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**SB 239**  **REGIONAL GOVERNMENT COUNCILS (Dolan, M.)** To modify the law concerning regional councils of governments to clarify that a municipal corporation eligible to designate a tourism development district may designate more than one district, to specify that the American Law Institute's approved "Restatement of the Law, Liability Insurance" does not constitute the public policy of Ohio, to designate a portion of U.S. Route 33 in Meigs County as the "Steve Story Memorial Highway," to designate a portion of Interstate Route 270 in Franklin County as the "Officers Anthony Morelli and Eric Joering Memorial Highway," and to designate the portion of U.S. Route 24 in Henry County as the "Henry County Veterans Highway."

29-0


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**SB 299**  **WATER IMPROVEMENTS (Gardner, R., O'Brien, S.)** To credit additional amounts of the Local Government Fund to fund public safety services in areas that experienced a 30% or more decrease in the taxable value of certain power plants between 2016 and 2017, to phase out the payments over ten years, to increase the appropriation to the Local Government Fund; to support broadband development; to establish the OhioCorps Pilot Project; and to make appropriations, including appropriations for the protection and preservation of Lake Erie and the National Guard Scholarship Program.

29-0

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**CONFERENCE REPORT ADOPTED**

**SB 1**  **DRUG OFFENSES (LaRose, F.)** To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, except for drug possession violations when the fentanyl-related compound is combined with marijuana or a Schedule III, IV, or V controlled substance and the offender did not know of the fentanyl content; to revise the manner of determining sentence for certain violations of the offense of

permitting drug abuse; and to add lisdexamfetamine to the list of schedule II controlled substances.

31-1 (Skindell)

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**COMMITTEE HEARINGS**

**Energy & Natural Resources**

**HB 114** **RENEWABLE ENERGY (Blessing, L.)** To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program.  
(SCHEDULED BUT NOT HEARD (See separate story); 8th Hearing-  
Possible amendments & vote)

**SB 51** **LAKE ERIE (Skindell, M., Eklund, J.)** To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement.  
(REPORTED-AMENDED (No testimony); 4th Hearing-All testimony-  
Possible vote)

Before reporting the measure, the committee adopted an amendment from **Sen. Michael Skindell** (D-Lakewood). The senator said his fellow lead cosponsor, **Sen. John Eklund** (R-Chardon), has also signed off on the change, which ensures that if state property lies within the district, the required assessment will not be forced upon the state.

**Government Oversight & Reform**

**HB 18** **SPECIAL ELECTIONS (Pelanda, D., Retherford, W.)** To eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances. (REPORTED-SUBSTITUTE; 2nd Hearing-All testimony-  
Possible amendments & vote)

A substitute version offered by chairman **Sen. Bill Coley** (R-Liberty Twp.) rolls another measure (**SB 252**) into the bill that allows local elected officials to serve on the board of a convention and visitors' bureau.

In written proponent testimony, **Secretary of State Jon Husted** said the original measure will save taxpayer dollars. He noted that a special congressional election in 2016 with just one candidate costed \$340,000.

**HB 312** **POLITICAL SUBDIVISION SPENDING (Schuring, K., Greenspan, D.)**  
Regarding use of credit cards and debit cards by political subdivisions.  
(REPORTED-SUBSTITUTE (No testimony); 4th Hearing-All testimony-  
Possible amendments & vote)

A substitute version of the bill offered by **Sen. Matt Huffman** (R-Lima) largely cleans up language in the bill and also continues a property tax abatement for the City of Lorain, Sen. Coley explained.

**HB 34**

**PUBLIC NOTICES** (Hambley, S., Ryan, S.) To authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail. (**REPORTED-SUBSTITUTE (No testimony); 4th Hearing-All testimony-Possible amendments & vote**)

Sen. Huffman offered an amendment accepted without objection to remove some sections pertaining to when electronic notices would not be allowed and to allow a recently elected public official to take public records training prior to taking office.

Another change allows a county prosecutor's office to represent port authorities, planning commissions and regional airport, Sen. Coley explained.

**SB 202**

**OFFENDER RE-ENTRY** (Bacon, K., O'Brien, S.) To require the Department of Rehabilitation and Correction to establish a reentry program for all offenders released from prison who it intends to have reside in a halfway house or similar facility but who are not accepted by any such facility; to require the Adult Parole Authority to establish maximum work-load and case-load standards for its parole and field officers and have enough trained officers to comply with the standards; to require that GPS monitoring used for offenders released from prison under such monitoring specify restrictions, including inclusionary zones and necessary exclusionary zones; to require the Department to establish system requirements for GPS monitoring of such offenders by the Department or third-party contract administrators; to require the Department to operate a statewide database for law enforcement use containing specified information about such offenders; to require that third-party administrators for GPS monitoring under a new contract with the Department provide and use a law enforcement-accessible crime scene correlation program; and to name the act's provisions the Reagan Tokes Law. (**CONTINUED (See separate story); 3rd Hearing-Proponent**)

**SB 255**

**OCCUPATIONAL LICENSING** (McColley, R.) To establish a statewide policy on occupational regulation, to require standing committees of the General Assembly to periodically review occupational licensing boards regarding their sunset, and to require the Legislative Service Commission to perform assessments of occupational licensing bills and state regulation of occupations. (**REPORTED-SUBSTITUTE; 4th Hearing-All testimony-Possible amendments & vote**)

A substitute version of the bill offered by Sen. Joe Uecker (R-Loveland) makes several changes, including adding factors to the list used in determining whether an occupational licensing board has demonstrated a public need. (**Comp doc**)

It also provides that occupational regulations that are created by adopting national standards used in at least 45 states are deemed to be narrowly tailored and the least restrictive.

In written opponent testimony, Jarrod Clabaugh, executive director of the Ohio Society of Association Executives, called for lawmakers to seek additional input on the bill.

John Graham, president and CEO of the Center for Association Leadership, called for the creation of a task force.

"We suggest that instead the legislature establish a task force to consider the problem of excessive occupational licensing and to develop ways to address that problem without weakening the protections to the public offered by governmental recognition of private certification programs," he wrote.

**Subscribers Note:** For full testimony see the committee's website under June 26

## **Finance**

**HB 123** **LENDING LAWS (Koehler, K., Ashford, M.)** To modify the Short-Term Loan Act, to specify a minimum duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers. **(CONTINUED (See separate story); 5th Hearing-All testimony-Possible vote)**

## **Transportation, Commerce & Workforce**

**HB 347** **ROAD NAMING (Kelly, B., Dever, J.)** To designate a portion of I-71 in Hamilton County as the "Sonny L. Kim Memorial Highway." **(REPORTED-SUBSTITUTE (No testimony); 3rd Hearing-All testimony-Possible amendments & vote)**

Chairman **Sen. Frank LaRose** (R-Hudson) said the substitute version allows the legislation for to be used as a vehicle for the naming of multiple memorial stretches of highway honoring people killed in the line of duty.

**SB 293** **ADMINISTRATIVE REGULATIONS (Peterson, B., McColley, R.)** To require agencies to reduce the number of regulatory restrictions. **(REPORTED-SUBSTITUTE); 4th Hearing-All testimony-Possible amendments & vote)**

The committee accepted a substitute offered by **Sen. Rob McColley**, (R-Napoleon), who said the updated measure would apply the mandate to cut regulations by 30% statewide "at more of a macro level than the micro level."

Sen. McColley said his version would require every head of a cabinet-level department and every statewide elected official to inventory all regulations associated with their departments, as well as the commissions or agencies under them, and apply the 30% reduction "in the aggregate." He said the change was needed because some individual agencies or commissions might not have room to cut the percentage of regulations required by the original legislation.

"There are many state agencies that are already running pretty lean and already have very few rules," he said.

The substitute version also would give the Joint Committee on Agency Rule Review the authority to approve or deny the cuts, he said.

Sen. Matt Dolan (R-Chagrin Falls) said he agrees with the goal but has concerns the legislature may be ceding too much authority under the proposal.

"We're asking (agencies) to get rid of regulations that are contrary to legislative intent," he said. "I would rather be the one to dictate what legislative intent is."



Sen. McColley said he thinks the substitute bill "actually strengthened the authority of JCARR," and therefore, the legislature.

The panel reported the bill along party lines after accepting the substitute version.

Before accepting Sen. McColley's changes, the committee tabled a substitute bill offered by Sen. Charleta B. Tavares (D-Columbus) that she said would remove the requirement that regulations be cut by 30% across the board in the state. Her version instead would have instead required state agencies to cut regulatory restrictions until a reduction "deemed sufficient by the state agency in consultation with (JCARR) has been achieved," she said. She said the substitute version also would have prohibited agencies from removing regulations required by federal law, among other changes.

"What we're trying to do is enlist both JCARR and the agencies in identifying those regulations or statutes that should be removed ... so that we can make informed decisions," she said.

Ahead of the adoption of the substitute legislation, Greg Lawson, research fellow with the Buckeye Institute, said the state "desperately needs" the effort to cut unneeded regulations to boost the economy. He said the state's licensing requirements are more restrictive than most states.

"Requiring appropriate education and training for physicians, healthcare providers, pilots, and truck drivers helps safeguard the general public in our hospitals and on our roads and runways," he said. "But the same cannot be said with respect to auctioneers, travel guides, and hairdressers-all currently subject to Ohio's byzantine and overly restrictive licensing requirements."

Mr. Lawson said efforts to rein in regulations could lead to employers hiring more workers and employees earning more.

"Beyond occupational licensing reform, Ohio must also reexamine government mandates that interfere with market-pricing and make goods artificially more expensive for businesses," he said. "Such interference ultimately leads to slower job growth as businesses curtail hiring and wages in order to offset the artificially higher costs created by the mandates."

**SB 308** **ELEVATOR LAW (Uecker, J., Yuko, K.)** To revise the Elevator Law.  
(CONTINUED; 1st Hearing-Sponsor)

Sen. Joe Uecker (R-Loveland) said in sponsor testimony the measure, which has companion legislation (**HB 236**) in the House, would "modernize" the state's elevator laws. "Taking elevators is a regular occurrence in our day to day lives and malfunctions can cause serious injuries to riders. SB308 seeks to codify industry standards and set licensure qualifications to help ensure the safety of both elevator riders and workers," he said. He said the measure would update the state's definition for elevators and create an Elevator Safety Review Board, among other changes.

Sen. Kenny Yuko (D-Richmond Hts.), the measure's other primary sponsor, said the bill also establishes new licensing and insurance requirements for elevator contractors, inspectors and mechanics.

"Our goal is to ensure the safety for the public and for those who work and install elevators. The best way for us to ensure a high level of safety is to ensure that all elevators are installed and maintained by licensed professionals."

**HCR 10** **ANTI-SEMITISM (Thompson, A., Greenspan, D.)** To condemn the Boycott, Divestment, and Sanctions movement and increasing incidents of anti-Semitism. **(REPORTED-AMENDED; 5th Hearing-All testimony-Possible amendments & vote)**

Chairman LaRose amended the bill with language condemning white nationalists and other hate groups.

Sen. Tavares offered a substitute resolution, which would have condemned attacks and discrimination against all minority groups by hate groups including white nationalists and neo-Nazis, and remove references to the boycott movement.

"We can't say people can't talk," she said. "That goes against who we are as a nation and a state."

The panel tabled her proposal, and Sen. Tavares subsequently cast the lone vote against reporting the measure.

Prior to the report, Connie Hammond, a member of United Methodists for Kairos Response and the Free Speech Coalition of Ohio, said the legislation unfairly conflates the Boycott, Divestment, Sanctions movement with anti-Semitism and could be seen as a form of censorship.

"The International BDS movement is not anti-Semitic," she said. "The call to BDS issued by 170 Palestinian civil society organizations asked the international community to stand for freedom, equality and justice."

Sen. LaRose said he rejects the idea that the measure constituted any kind of censorship.

"There's nothing in here that restricts speech," he said.

## **Education**

**HB 87** **COMMUNITY SCHOOLS (Roegner, K.)** Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of a community school. **(REPORTED-AMENDED (See separate story); 4th Hearing-All testimony-Possible amendments & vote)**

**SB 34** **ACADEMIC YEAR (Manning, G.)** To generally require public and chartered nonpublic schools to open for instruction after Labor Day. **(Scheduled but not heard); 7th Hearing-All testimony-Possible vote)**

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## Daily Activity Planner for Thursday, June 28

### Legislative Committees

Joint Medicaid Oversight Committee (Committee Record) (Chr. Huffman, S., 466-7584), Rm. 313, 9 a.m.

- Behavioral Health Redesign Update from Barbara Sears, Director, Ohio Department of Medicaid and Emily Higgins, Chair, OAHP Behavioral Health Subcommittee
  - PBM Report from Barbara Sears, Director, Ohio Department of Medicaid
- Joint Ohio College Affordability Committee (Chr. Wilson, S., 466-9739), Senate Finance Hearing Rm., 10 a.m.
- Overview of strategies for preserving and improving the affordability of a college education in Ohio by the Ohio Association of Community Colleges and the Inter-University Council of Ohio

Joint Education Oversight Committee (Committee Record) (Chr. Manning, G., 466-8150), North Hearing Rm., 11:30 a.m.

- Presentations by Connie Shriver (Coordinator of Career & Academic Readiness Education at the Mid-East Career and Technology Centers), Mary Murphy (Manager of Adult Success Initiatives at Lorain Community College), and Greg Harp (Vice President of Graduation Alliance) on Adult Graduation Pathways
- Presentations by the Ohio Department of Education and the Ohio Department of Job and Family Services on Early Childhood Programs
- Update on progress of other research projects (tentative)

### Agency Calendar

Civil Rights Commission, Lobby Mtg. Rm., 1st Fl., 30 E. Broad St., Columbus, 9:30 a.m.

Elections Commission, Rm. East B., 31st Fl., 77 S. High St., Columbus, 10 a.m.

Business Gateway Steering Committee, 30 East Broad Street, Room 2925, Columbus, 1 p.m.

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

### Event Planner

Rep. Brian Hill (R-Zanesville) golf outing fundraiser, Eaglesticks Golf Club, 2655 Maysville Pike, Zanesville, 9:30 a.m., (9:30 am registration; 10:30 am shotgun start; 4:30 pm barbeque. Brian D. Hill for State Representative)

Rep. Stephanie Howse (D-Cleveland) & Rep. Janine Boyd (D-Cleveland Hts.) fundraiser, Lake Affect Studios, 1615 East 25th St., Cleveland, 5:30 p.m., (\$500, \$150, \$75, \$35 to Friends of Stephanie Howse, Friends of Janine Boyd)

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**Volume #87, Report #124 -- Wednesday, June 27, 2018**

**Lake Erie, Voting Machine Funding Among Bills Headed To Governor**

A busy day of lawmaking Wednesday saw a wide variety of bills sent to Gov. John Kasich's desk, including long-sought funding for new voting equipment and money to fight harmful algal blooms in Lake Erie.

In total, the two chambers sent 19 bills to the governor, including a pair dealing with oversight for charter schools. (*See separate story*)

The voting machine measure (SB 135) appropriates \$114.5 million to buy new equipment. The House had previously passed it, and the Senate voted 31-1 in to concur with a House amendment that updated the fiscal year in the language.

"We've had machines that in many cases are 15 years old," sponsor Sen. Frank LaRose (R-Hudson) said. "Our county boards of elections and folks all throughout Ohio are very excited about the prospect that maybe sometime this winter or next spring there may be a truck showing up with new voting machines."

"It's time that we got this done," Sen. LaRose, the Republican nominee for secretary of state, continued. "This is something we've been talking about for a while."

Rep. Kathleen Clyde (D-Kent), the Democratic nominee for secretary of state, touted the passage in a statement.

"Ohio has been in desperate need of voting system upgrades to meet the elections cybersecurity challenges we face today and to modernize our aging machinery," she said. "I am happy to see our boards of elections finally getting the resources they deserve after years of state budget cuts to local government funds. I was happy to support this bipartisan bill and will continue to ensure our counties are prepared for every elections challenge."

The Lake Erie measure (SB 299) began as a way to identify and financially support projects to combat harmful algal blooms. Among other provisions, it appropriates \$3.5 million in General Revenue Fund dollars to the Department of Agriculture for soil and water conservation districts and \$20 million to the Soil and Water Phosphorus Program.

The measure became a vehicle for spending-related amendments in the House Finance Committee Tuesday, but it collected only a few changes, making it more of a "modest decorated wreath" than a true "Christmas tree bill," as explained Wednesday by sponsoring Sen. Randy Gardner (R-Bowling Green).

Those amendments included \$7.1 million in disaster funding for 18 counties that sustained widespread flooding earlier this year. Other House-added items include \$1 million to boost broadband expansion efforts and \$1.5 million for the National Guard Scholarship. (See Gongwer Ohio Report, June 26, 2018)

It cleared the lower chamber in a unanimous vote after picking up an LSC technical amendment on the floor. The Senate then followed suit, approving the item 29-0.

Rep. Steven Ardent (R-Port Clinton), who sponsored companion legislation in the House, said the measure will go a long way toward reducing algal blooms in Lake Erie.

"This particular bill is really something that is extremely critical," he said.

Sen. Gardner called the bill a "classic example" of legislation in action given its bipartisan nature.

Both chambers accepted a conference report on a measure (SB 188) to toughen penalties for fentanyl traffickers.

The House approved the conference committee report 59-10, with Rep. Nathan Manning (R-N. Ridgeville) calling it a "very small change" in that it shifts the burden of proof to the prosecution to show a defendant knew of a fentanyl-related compound in his or her possession.

In the Senate, the vote was 31-1, with Sen. Michael Skindell (D-Lakewood) the only member opposed.

Sen. Skindell said the proposal doesn't just target traffickers, but also affects drug users. He also voiced concerns with how the state considers an aggregate amount of fentanyl, even if a little bit of fentanyl is mixed with a much greater amount of another drug.

"It not only throws the drug traffickers in jail, it throws the small users in jail," he said.

Sen. LaRose, the measure's sponsor, said the user would need to have reason to know it contained fentanyl to be charged.

"We did what we could to make sure that we truly are ensnaring the traffickers and not the addicts," he said. "We rely on reasonable prosecutors. We rely on reasonable judges and juries to do the work that they do."

A proposal initially designed to eliminate the need for a special election when only one candidate is on the ballot (HB 188) cleared the Senate unanimously but faced more opposition later in the evening when the House voted 67-22 to concur.

The dissent hinged on a provision added earlier in the day that allows some local elected officials to serve on the board of trustees of a convention and visitors' bureau.  
(See committee listing)

Rep. John Becker (R-Union Twp.) said the measure goes against an advisory opinion issued by the attorney general's office.

"The reason for that conflict is quite obvious," he said.

Rep. Dorothy Pelanda (R-Marysville) said if a conflict does exist, the public official can abstain from voting on a matter.

The bill also received opposition from Rep. Tom Brinkman (R-Cincinnati) who said in light of recent event, lawmakers should do all they can to avoid any hint of impropriety.

A measure (SB 66) to provide judges with more discretion in criminal sentencing also cleared both chambers.

Rep. Nathan Manning (R-N. Ridgeville), who ushered the bill through the House Criminal Justice Committee, called the measure a smart on crime bill. He also touted several of the bill's provisions, including one that allows for expanded record sealing.

"This is something that will get people back to work," he said.

Before voting 84-2 to move the bill back to the upper chamber, an amendment offered by Rep. Bill Seitz (R-Cincinnati) was accepted to make it clear that the number of felonies that can be sealed is five with an unlimited number of misdemeanors.

Rep. Jay Edwards (R-Nelsonville) and Rep. Tim Schaffer (R-Lancaster) cast the lone "no" votes.

The Senate voted 29-0 to approve the issue, with Sen. John Eklund (R-Chardon) and Sen. Charleta B. Tavares (D-Columbus) both urging support.

Sen. Eklund specifically pointed out a change that prevents those who have more than five felonies from pursuing the sealing of records. Although it runs somewhat contrary to the Senate's effort, Sen. Eklund said the change such a person would pursue that round "is slim."

"Notwithstanding that, I certainly think the amendments are salutary...and we've come to something that will make Ohio a more just place to live," he said.

Sen. Tavares too said she believes "the integrity and the strength of the legislation remains. We are trying to do what's fair and what's right and we really believe rehabilitation should be taken seriously."

Legislation (HB 318) initially designed to deal with qualification for school resource officers picked up several changes during its journey through the legislature, including having a measure (SB 246) prohibiting expulsion and suspension of young students rolled into it while in the upper chamber.

"Suspending a six-year-old child does absolutely nothing to help them," Rep. Sarah LaTourette (R-Chagrin Falls).

It cleared the lower chamber in a 69-20 vote, with Rep. Ron Hood (R-Ashville) speaking in opposition.

"This did not get vetted in committee the way it properly needed," he said.

A bill to add prongs to the Joint Committee on Agency Rule Review process cleared the House in a 73-19 vote after Rep. Dan Ramos (R-Lorain) raised concerns that the changes could make the body more partisan.

"It is not a committee where partisanship has come in to play," he said.

Other items sent to the governor included legislation to:

- Allow restaurants to let patrons to have dogs on outdoor patios (HB 263).
- Regulate credit and debit card use by political subdivisions and make other changes to how finances are handled by local governments (HB 312).
- Create a six-month pilot program to reduce driver's license reinstatement fees (HB 336).
- Designate roads after first responders and military personnel killed in the line of duty (HB 347).
- Waive the concealed carry license fee for active members of the armed forces and retired and honorably discharged veterans (SB 81).
- Require drivers to move over when passing waste collection vehicles (SB 127).
- Provide a legal safe harbor for companies that enact cybersecurity protections (SB 220).
- Boost the Joint Committee on Agency Rule Review's authority to clamp down on informal rulemaking among executive agencies (SB 221).
- Create more transparency in regional councils of government (SB 239).



- Waive the concealed carry license fee for active members of the armed services and retired and honorably discharged veterans (SB 81).
- Create an enhanced penalty for distracted driving (HB 95).
- Overhaul the law relating to embalmers, crematory operators and cemeteries (HB 168).

### **Bills On Religion, Pharmacy Benefit Managers Among Dozens Backed By House**

Legislation cited as "protecting" the religious beliefs of pastors and students, and a bill to limit charges from pharmacy benefit managers were among the slew of proposals receiving the House's stamp of approval during a marathon session Wednesday.

Also among the 31 measures passed in the first part of the session were a number of Senate bills that now advance to the desk of Gov. John Kasich thanks to Senate concurrence votes later in the day. The chamber also approved a conference committee report on a measure to boost penalties for drug trafficking and possession. (*See separate story*)

Regarding the religion-related legislation, both measures received substantial pushback from Democrats who contend they will open the door for discrimination.

The so-called Pastor Protection Act (HB 36) shields faith leaders, societies and others from civil repercussions should they refuse to solemnize marriage outside their beliefs. The plan picked up a floor amendment from Rep. Bill Seitz (R-Cincinnati) providing that in the event of a conflict between the bill and current public accommodations law, the legislation will take precedent.

Rep. Dan Ramos (D-Lorain) made a motion to lay the amendment on the table, which was turned back by Republicans. Rep. Janine Boyd (D-Cleveland Hts.) also moved to amend the item, but her motion was ruled out of order following the adoption of Rep. Seitz's change.

Sponsor Rep. Nino Vitale (R-Urbana) reiterated his belief the legislation does not target LGBTQ citizens. He painted it as an attempt to relieve the "tension" between contrasting beliefs and assure faith leaders existing protections under the Constitution will remain.

"This is not a sword," Rep. Vitale said. "This is intended to be a shield and protect everyone's rights."

But Rep. Boyd argued the legislation's scope is too broad in that it does not limit its provisions to religious groups or pastors.

"It is in essence saying that proprietors of property or services that rent to the public at large can turn away members of the LGBTQ community," she said, before the chamber endorsed the measure 59-29.

Similarly, the chamber voted 62-20 for a plan (HB 428) from Rep. Sarah LaTourette (R-Chagrin Falls) and Rep. Tim Ginter (R-Salem) that states students should be permitted to conduct religious expression and activities in schools in the same manner students may conduct secular activity or expression.

Rep. Kent Smith (D-Euclid) moved to amend the bill with language he said would label head coverings as permitted religious attire.

Rep. Ginter, however, voiced reservations, saying the change would open up "a pathway that is not the intention of this bill. There is no specificity in this bill toward any religion and that is purposeful." The GOP-dominated chamber as a whole agreed, turning away the proposed tweak 56-32.

Several Democrats spoke against the bill, including Rep. Ramos, who said the legislation is so broad it would permit shirts with messaging stating LGBTQ youth will go to hell or that Jesus is not real, or targeting specific faiths. To that, Rep. Ginter replied the school still has the authority to ban obscene or distracting clothing or activities.

Among other bills, the pharmacy legislation (HB 479) - from Rep. Scott Lipps (R-Franklin) and Rep. Thomas West (D-Canton) - requires patients to be informed of affordable prescription options. And it limits PBMs, health plans or other administrators to charging no more than what an individual would pay for a drug were it purchased without coverage.

"For too long, PBMs have used predatory practices to target consumers and independent pharmacies," Rep. Lipps said. "I am proud Ohio is taking a lead role to end these deceiving practices, while improving transparency and lowering out-of-pocket drug costs."

Added Rep. West: "Today is a happy day here in Ohio because lower prescription drug prices are on their way."

Several pieces of legislation pertained to laws related to sexual activity, including proposals prohibiting sexting by persons under 19 years of age (HB 355) and the nonconsensual dissemination of private sexual images (HB 497) or "revenge porn." Those measures passed unanimously - 85-0 and 81-0 respectively.

So too did legislation (HB 92) requiring an offender who knowingly commits public indecency to be viewed by a minor for the purpose of sexual gratification to register as a Tier 1 sex offender if ordered by a judge (80-0).

Legislation (HB 511) establishing 18 as the age at which a person can marry was also approved with wide support (78-0). The proposal provides an exception for a 17-year-old

with the consent of a juvenile court if the other spouse-to-be is not more than four years older.

"We do not allow minors to vote, to buy cigarettes or alcohol, to rent cars or apartments or to enter into other contracts yet we allow them to (marry) - one of the most important and impactful decisions of their young lives," said Rep. Laura Lanese (R-Grove City), lead cosponsor along with Rep. John Rogers (D-Mentor-on-the-Lake).

Democrats also attempted to amend a plan (HB 502) from Rep. Marlene Anielski (R-Walton Hills) that requires educators to take in-service training on youth suicide prevention every two years. Rep. Catherine Ingram (D-Cincinnati) sought to expand the bill to cover charter schools but the amendment was tabled 44-39 before the bill advanced 82-0.

The chamber also approved legislation:

- Granting civil immunity to medical providers and emergency medical technicians operating after a disaster (HB 7).
- Prohibiting certain terms from appearing in health care contracts between vision care providers and a contracting entity and establishing new disclosure requirements (HB 156).
- Establishing a regional kinship care navigator program (HB 126).
- Licensing home inspectors via the proposed Home Inspector Board (HB 211).
- Designating the month of April as "Respect Your Date Month" and requiring higher education institutions to adopt a policy regarding dating and domestic violence (HB 240). The chamber approved an emergency clause 75-6.
- Including search and rescue dogs and horses in the prohibition against assaulting or harassing a police animal (HB 349).
- Prohibiting consumer credit reporting agencies from charging a fee to freeze a consumer's credit report or to remove or temporarily lift a freeze (HB 386).
- Exempting police body camera and dashboard footage from public record laws under certain circumstances, such as if it depicts the identity of a child or the victim of a sex crime (HB 425).
- Authorizing a nonrefundable insurance company tax credit for contributing capital for transformational mixed use development construction (HB 469).
- Requiring the Department of Agriculture to regulate multi-parcel auctions (HB 480).

- Enacting a myriad of township changes including: increasing the obligations a board of township trustees may authorize its officers to incur, permitting a township to require reimbursement of emergency services levy revenue foregone because of the creation of a tax increment financing incentive district, and more (HB 500).
- Requiring the development and adoption of a new framework for teacher and administrator evaluations (HB 540).
- Permitting county prosecutors to enter into contract with regional airport authorities, port authorities or a regional planning commission as a legal adviser (HB 543).
- Requiring the Public Employees Retirement System Board to grant a full year of service credit to qualified members employed as nonteaching school employees of a county board of development disabilities (HB 572).
- Revising the probate process through various changes including disqualifying a person convicted of involuntary manslaughter from benefiting from the victim's death (HB 595).

### **Senate Passes Measures Focused On Reducing Regulations**

A pair of legislative efforts to rein in regulations cleared the Senate Wednesday, with Republicans saying the proposals would make life easier for businesses.

Democrats said the two measures were arbitrary efforts to reduce agency rules that don't get at the issue of targeting unneeded regulations and could reduce important oversight.

One of the items (SB 293) cleared the Senate Transportation, Commerce and Workforce Committee earlier Wednesday after the panel replaced it with a substitute version to apply the regulation-cutting mandate more broadly across state departments, rather than to individual agencies. (*See committee listing*)

As a result of the changes, the legislation would require departments overall to cut regulations by 30%, sponsor Sen. Bob Peterson (R-Sabina) said. It would also create a website where individuals and businesses can report burdensome regulations to the Joint Committee on Agency Rule Review.

"We need to know how many restrictions we have, we need to systematically review them, and we need to revisit the rules that are unnecessary," Sen. Peterson said.

Majority Republicans tabled an amendment from Sen. Charleta B. Tavares (D-Columbus) that would have eliminated the 30% reduction requirement.

"This amendment calls for them to reduce restrictions without placing the arbitrary requirement," she said. "This amendment calls on state agencies to inventory what regulations exist."

Sen. Peterson said the amendment was unnecessary because JCARR can already grant departments exemptions for certain rules.

Lawmakers can also work to reduce regulations by avoiding situations where legislation leaves the details to be sorted out by agencies, said Sen. Lou Terhar (R-Cincinnati).

"The real issue here is how many things do we and our predecessors punt on and let it go to an agency rather than making a decision," he said.

Sometimes that's appropriate, said Sen. John Eklund (R-Chardon).

"Sometimes it's an acknowledgement or a willingness to acknowledge that there are experts in the administration of the government" with more expertise than lawmakers, he said.

The measure passed along party lines.

The other effort targeting regulations (SB 255) focused on occupational licensing. Sponsor Sen. Rob McColley (R-Napoleon) said it would create a process to review the state's occupational licensing requirements every five years.

"Frankly it's costing Ohioans the ability to earn a living and it's costing Ohioans the opportunity to contribute to our economy," he said of excessive licensing requirements.

Sen. Joe Schiavoni (D-Boardman) said lawmakers should consider issues with occupational licenses and fix them rather than creating a complicated process to routinely review the need for them.

Senate President Larry Obhof (R-Medina) said he thought the government has gotten "too big, too unwieldy."

"Too much of our authority has been usurped or given away over the years by legislators who thought it was easier to punt rulemaking authority," he said.

The measure passed 24-8.

The chamber unanimously passed a measure (SB 119), known as Daniel's Law, intended to ensure patients using naltrexone, a medication-assisted treatment also known as Vivitrol, can get an emergency dose from a pharmacy in certain emergency situations.

"When in a pinch, patients will have access to every pharmacy in the state of Ohio to act as a trampoline back into the system when the system fails," sponsor Sen. Bob Hackett (R-London) said.

Also advancing in the chamber were measures to:

- Provide a definition for an insurance rating agency (SB 273).
- Modify controlled substances laws with the Board of Pharmacy, including placing the list of controlled substances in rule rather than statute (SB 229).
- Urge Congress to support the creation of the Appalachian storage hub (SCR 21).
- Call on Congress to end certain mandates and emphasize the importance of federalism and the 10<sup>th</sup> Amendment (SCR 23), which passed 25-7.

#### **Bills Amended To Enhance Online School Oversight Head To Governor**

The House and Senate on Wednesday approved separate measures that were amended this week to include multiple e-school reforms and sent them to Gov. John Kasich for his signature.

While Rep. Keith Faber (R-Celina) and Rep. Bill Reineke (R-Tiffin) introduced legislation (HB 707) on the topic last week, lawmakers quickly sought alternative pathways to get some of its provisions passed sooner rather than later. The actions by the chambers achieve a goal set Speaker Ryan Smith (R-Bidwell) of pushing forward with legislation aimed at improving the state's online schools ahead of summer recess. (See Gongwer Ohio Report, June 25, 2018)

Sen. Peggy Lehner (R-Kettering), chairwoman of the Senate Education Committee said lawmakers from both chambers came to an agreement ahead of Wednesday's session that certain portions from the measure would be split among a bill (HB 87) under consideration in the Senate and another (SB 216) under consideration in the House.

"You really have to look at these two bills together," she said.

The original intent of HB 87 was to clarify that funding must be returned to local school districts when an audit of a charter school leads to a finding for recovery, while SB216 is an overhaul measure that makes dozens of changes to the state's K-12 education system.

The upper chamber passed HB 87 by a vote of 30-2 with Sen. Joe Schiavoni (D-Boardman) and Sen. Michael Skindell (D-Lakewood) voting in opposition. The House concurred in Senate amendments by a vote of 70-22.

The Senate Education Committee earlier in the day amended HB 87 to create a "safe harbor" for schools that grew by 20% from taking in former Electronic Classroom of Tomorrow students from certain accountability measures, including closure. The House Education & Career Readiness Committee on Tuesday accepted a similar amendment to SB 216 that set the threshold at for the threshold for the safe harbor at 10%. (See Gongwer Ohio Report, June 26, 2018)

Sen. Schiavoni said he cast his vote against the measure because the safe harbor provision could shield poorly performing schools from accountability.

"My concern is that by putting an amendment like this in the bill we might be creating another ECOT," he said.

Sen. Lehner said another amendment passed in the Senate committee clarifies that the safe harbor will not protect schools that would have faced closure before considering the performance of students taken in from the now-shuttered e-school.

"We are not excusing bad performance of any school," she said.

Sen. Lehner said another Senate amendment to HB 87 dealing with e-schools would require the superintendent of public instruction to set guidelines for activity-tracking software to be used by online charter schools.

Another amendment "would remove a significant conflict of interest" regarding the state auditor's office and payments by online schools, she said.

"Currently, amounts payable may be reduced according to policies determined both by the superintendent of public instruction and the auditor of state," she said. "This amendment will change the statute to require the (superintendent) to establish these policies in consultation with the (auditor) instead, so that the auditor is not put in a position to establish policies they may later audit."

Sen. Lehner said other amendments adopted by her committee that are not focused on e-schools would:

- Give school districts an additional year to put a substitute levy on the ballot.
- Clarify that only a superintendent or school board president can sign contracts and other employment documents related to the district's treasurer or his or her family members.
- Allow school districts and other public employers to "collectively contract for health clinic services."

The committee also adopted an amendment Sen. Randy Gardner (R-Bowling Green) said would prohibit the state from requiring local school boards to submit five-year

financial forecast before Nov. 30. The provision mirrors one added to SB 216 in committee Tuesday.

The House passed SB 216 by a vote of 60-32 after accepting two amendments. The Senate concurred in House amendments by a vote of 28-1 with Sen. Edna Brown (D-Toledo) in opposition.

Rep. Andy Brenner's (R-Powell) amendment required a study of school takeovers be sent to the Joint Education Oversight Committee for further review after its completion. The House accepted the amendment by a vote of 62-28.

A floor amendment offered by Rep. Jeff Rezabek (R-Clayton) and accepted by a vote of 61-28 stripped a provision from the law that would have revised the state's standard for what an "excessively absent" student is by excluding excused absences. Under existing law, a student is "excessively absent" when they miss 38 or more hours in a month or 65 or more hours in a year whether the absences were excused or not.

The House Education & Career Readiness Committee on Tuesday reported SB 216 along party lines after accepting several amendments, including one with multiple provisions aimed at e-school reform. The amendment was inspired by HB 707, which in turn took cues from recommendations offered by Auditor Dave Yost.

The amendment would require the superintendent of public instruction to craft recommended definitions for the state to adopt regarding e-school enrollment and participation and create a committee to study the potential of student-performance, among other provisions.

Sen. Lehner said she views the creation of the committee as one of the most important provisions in the two pieces of legislation.

"The study committee is the most important part of that because that's going to (lead to) more substantive long-term reforms than some of the more minor (provisions)," she said.

Rep. Teresa Fedor (D-Toledo) said the online school provisions the committee added to SB 216 need more vetting, but were being rushed into law to provide "political cover" for Republicans in the wake of the closure of the ECOT. After ECOT shut its doors in January, Auditor Yost referred his office's audit of the school for potential prosecution. (See Gongwer Ohio Report, May 10, 2018)

"I'm sorry to say this bill has been hijacked," she said.

She was gavelled out of order by Speaker Smith when she likened ECOT's funding, which is the subject of clawback efforts by the state, to an ATM for Republican campaign committees.

The panel and later the full Senate rejected an amendment offered by Sen. Schiavoni that would have set additional guidelines for e-schools. He said the change would have



required an in-person parent teacher conference to be scheduled if a student doesn't log in for 10 days and the addition of disclaimers on e-school advertisements noting if they were paid for with public money and what grades the school had received from the state, among other changes.

"We have to have additional accountability and transparency," he said.

Sen. Lehner opposed the amendment but said she agreed with Sen. Schiavoni that the state's work on updating standards for online schools is not done.

The Senate also tabled an amendment offered by Sen. Schiavoni that would have extended eased graduation requirements put in place for the class of 2018 for the next two school years. The House Education & Career Readiness Committee rejected an amendment with the same effect offered by Rep. Tavia Galonski (D-Akron) Tuesday.

Before passing SB 216, the House tabled an amendment offered by Rep. Galonski that would have appointed a special investigator in the ECOT case.

Rep. Brenner said he viewed the amendment as premature because ECOT still has an appeal before the Ohio Supreme Court related to purported overpayments the State Board of Education voted to claw back from the school, leading to its closure.

Democrats later ripped majority Republicans for refusing to add additional accountability provisions to the bill, saying it gives a "free pass to Ohio's out-of-control charter schools" and elected officials.

"This is a politically motivated bill to give the same GOP politicians who used ECOT and charter school sponsors to bankroll their campaigns a free pass on taking responsibility for the mess they created," Rep. Galonski said.

Sen. Matt Huffman (R-Lima), SB 216's primary sponsor, said crafting and passing the substantial bill involved a lot of give and take among lawmakers and interested parties.

He listed the House's changes, saying he did not agree with all of them but that the bill retains the goal that superintendents had when they suggested the package to him several months ago - that is, eliminating unnecessary and burdensome regulations.

"This is a product of about 15 months-worth of work with a lot of good things in it," he said.

State Auditor Dave Yost issued a statement Wednesday evening welcoming passage of the measures.

"The legislation approved by the General Assembly today addresses some of the weaknesses my office has pointed out for years that limited the state's ability to demand full accountability from online schools and operators," he said. "While we were not

successful in gaining passage of all reforms we believe are needed, these changes will make a significant difference."

### **Senate Panel Delays Vote On Energy Standards, Wind Setback Bill**

A Senate committee Wednesday held off on a potential vote on controversial legislation to lower the renewable and energy efficiency standards, with lead negotiators telling interested parties they are "very close" to a final product.

The closely-watched measure (HB 114) was scheduled for its eighth hearing before the Senate Energy & Natural Resources and marked for possible amendments and a vote.

But the proposal was ultimately not heard, with Chairman Sen. Troy Balderson (R-Zanesville) and Sen. Bill Beagle (R-Tipp City) instead briefing stakeholders in attendance of their progress on the bill and promising "the bill's not dead."

"It's closer (to passing) than it's been for a while," Chairman Sen. Troy Balderson (R-Zanesville) said in an interview.

The measure began as a House effort to render the standards voluntary and expand the mercantile opt-out. That followed Gov. John Kasich's 2016 veto of a similar, but less far-reaching measure (HB554, 131st General Assembly).

Senators in May then accepted a substitute version that restored the mandatory nature of the standards, although it still lowers the renewable standards to 8.5% by 2022 instead of current law's 12.5% by 2026 and the efficiency standards to 17.2% by 2026 instead of the current 22.2% by 2027. It also loosens wind setback restrictions that advocates accused of stifling the industry - a prospect House leaders have expressed reluctant to accept in the past. (See Gongwer Ohio Report, May 16, 2018)

More changes are likely, as the lawmakers court support within their caucus and among stakeholders. Sen. Beagle said they're still sorting through feedback following the most recent changes - including those related to the mercantile opt-out, the wind setbacks and energy efficiency benchmarks.

"At this point, anytime you amend something everything's kind of tight so if we move a little bit here we need to understand what the ramifications are over there and that's just taking time," Sen. Beagle said. "We want to make sure we get this right. It's been an issue we've been talking about for a long time and it's been in the chamber a while. We'd rather take some time to make sure we get the best bill we can before we send it over to the House."

Sen. Balderson said talks continue with the Kasich administration over the renewable standards proposed by the current bill.

"The administration is aware of our number," he said. "While they are not satisfied with it, we continue to have positive discussions on a number of other areas we can all agree upon."

A Kasich spokesman declined to comment on the pending legislation.

At the same time, both said they haven't gone out of their way to keep their House counterparts in the loop on discussions. Although the legislation in its current form is likely to face a steeper climb in the lower chamber, the senators said their principal concern is mustering up enough support within their own caucus.

"We're really kind of focused on making sure we have enough votes in the Senate," Sen. Beagle said. "We're really focused on getting a product we can get out hopefully on a bipartisan basis and that's tough enough."

Added Sen. Balderson: "Once we have our numbers here that we need in the Senate, then we'll focus on the House. They're aware...so there's no reason for (Sen. Beagle) and I to be sitting down in front of them."

#### **Proposed Regulations Inspired By State Fair Ride Death Get Initial Hearing**

Nearly a year removed from a thrill ride breakdown at the Ohio State Fair that killed 18-year-old Tyler Jarrell and injured several others, the House took up legislation to tighten regulation of inspections overseen by the Department of Agriculture.

Sponsored by Rep. John Patterson (D-Jefferson) and Rep. Jim Hughes (R-Columbus), the measure would revise current safety inspection standards, define the qualifications for inspectors, and require owners to maintain current records for all their amusement rides.

Rep. Patterson told members of the House Agriculture & Rural Development Committee that the measure, while inspired by the tragedy, is about looking ahead "to better ensure the safety of Ohioans for years to come by revisiting current legislation to provide a more robust approach to ride safety and inspection."

The sponsors pointed out that while the rides have become more prevalent, diverse and complicated over the years, the number of Ohio inspectors has remained fairly constant.

Rep. Hughes said the bill focuses on ride inspections in two ways.

"First, it expands the Director of Agriculture's rule-making authority regarding amusement ride safety. Specifically, it requires a minimum number of inspectors be assigned to inspect a ride, ensuring that number is reasonable and adequate given the size, complexity, and nature of the ride," he said. "Second, it requires the Director to adopt the standards of the American Society for Testing and Materials, or any other equivalent standards, in whole. Current law does not require the Director to adopt these standards, neither in whole or part."

The measure also addresses the qualifications for newly hired inspectors, Rep. Hughes said. "The bill requires the Director, when employing a new Chief Inspector or an additional amusement ride inspector, to give preference to individuals who are registered professional engineers. If no registered professional engineer seeks employment as an inspector, the Director must give preference to individuals who have been issued a level one or higher inspector certification from the National Association of Amusement Ride Safety Officials."

Those restrictions would be forward-looking and not impact those currently employed as inspectors, he said.

The bill would retain the current law requirement that the ODA director provide necessary training for inspectors to administer and enforce the laws governing amusement ride safety. "Similarly, the bill still allows the director to appoint or contract other persons to perform inspections of amusement rides, provided that they meet the qualifications for inspectors and are not owners, or employees of any amusement ride subject to inspection," Rep. Hughes said.

The record-keeping mandates in the bill would apply to electronic manuals for each amusement ride that is inspected in Ohio, if available, and the ODA director may require the owner to also include "detailed written descriptions or photographs of all maintenance, repairs, and inspections in the record," Mr. Hughes said.

"Finally, HB631 prohibits ride owners from knowingly failing to keep a record or knowingly failing to make records available to the Department or ride inspector, and it imposes a fine of \$100 to \$500 for a violation of the prohibition. While current law requires an owner to keep records and make them available for inspection, it does not establish a specific penalty for failure to do so," he concluded.

Asked about the extent of the potential fines, Rep. Patterson said they could apply to every ride that's out of compliance or it could depend on the circumstances. He said the sponsors wanted to leave some discretion for ODA to develop more specific guidelines under the bill.

"We don't want the money," Rep. Hughes added. "We want them to be safe."

Rep. Kyle Koehler (R-Springfield) questioned whether the provisions would have prevented last year's failure of the Fire Ball ride.

"It definitely would have helped the situation, but what we're trying to do is prevent another occurrence of this in the future," Mr. Patterson said.

The sponsor told Rep. James Hoops (R-Napoleon) that the requirements would apply to all rides operated in the state, including those at county fairs and other events.

Chairman Rep. Brian Hill (R-Zanesville) raised the issue of funding for additional inspection duties and also noted that a review of the incident did not result in any punitive actions against state inspectors.

Rep. Jack Cera (D-Bellaire) said consideration must be given to ODA's budget if the bill is enacted.

Mr. Hughes said there have been communications with the agency regarding the proposals and further meetings with the agency are planned.

ODA spokesman Mark Bruce said the agency typically doesn't comment on pending legislation.

"The department has had discussions about possible ways to strengthen Ohio's already robust amusement ride safety program," he said in an email.

### **High Court Strikes Down 'Agency Fees' For Public Sector Unions; Kennedy Announces Retirement**

Organized labor was dealt a major blow Wednesday by the U.S. Supreme Court.

In a highly anticipated decision, the court in a 5-4 ruling held that non-union workers cannot be forced to pay fees to public sector unions.

Writing for the majority, Justice Samuel Alito found the requirement that non-union employees pay "agency fees" to the collective bargaining unit runs afoul of free speech protections.

"This procedure violates the First Amendment and cannot continue," Justice Alito wrote. "Neither an agency fee nor any other payment to the union may be deducted from a nonmember's wages, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to pay. By agreeing to pay, nonmembers are waiving their First Amendment rights, and such a waiver cannot be presumed."

He was joined in his opinion by Chief Justice John Roberts, Justice Clarence Thomas, Justice Neil Gorsuch and Justice Anthony Kennedy, considered the swing vote on the court and who announced his retirement Wednesday.

The decision overturns a 1977 high court ruling that upheld the practice as constitutional.

"We recognize that the loss of payments from nonmembers may cause unions to experience unpleasant transition costs in the short term, and may require unions to make adjustments in order to attract and retain members. But we must weigh these disadvantages against the considerable windfall that unions have received under *Abood* for the past 41 years," Justice Alito wrote.

"It is hard to estimate how many billions of dollars have been taken from nonmembers and transferred to public-sector unions in violation of the First Amendment. Those unconstitutional exactions cannot be allowed to continue indefinitely."

Statements for and against the decision poured in swiftly.

Ohio Republicans were largely silent on the ruling. However, the Buckeye Institute cheered the decision.

"The Supreme Court today in *Janus v. AFSCME* announced its basic rule of human decency and common sense: consent matters - and hardworking public-sector workers can no longer be forced to pay for political speech or other activities without their affirmative consent," President and CEO Robert Alt said in a statement.

The American Legislative Exchange Council also hailed the ruling.

"Today's Janus decision overturns a precedent set 41 years ago. This will allow workers to keep their pay, they will no longer be forced to pay fees that support a union's collective bargaining efforts and administrative work," said Robert Ordway, Director of the Commerce, Insurance and Economic Development Task Force at ALEC.

The court's liberal justices dissented in the decision, with Justice Elena Kagan writing that the majority's holding will lead to "a collective action problem of nightmarish proportions."

Among the repercussions of the decision, she predicted that it will lead to a decline in public sector unionization.

"Everyone - not just those who oppose the union, but also those who back it - has an economic incentive to withhold dues; only altruism or loyalty - as against financial self-interest - can explain why an employee would pay the union for its services," she wrote in a dissent joined by Justice Ruth Bader Ginsburg, Justice Stephen Breyer and Justice Sonia Sotomayor.

She also accused the majority of "weaponizing the First Amendment, in a way that unleashes judges, now and in the future, to intervene in economic and regulatory policy."

Several Democratic lawmakers blasted the decision in statements, as did unions. Jay McDonald, president of the Ohio Fraternal Order of Police, said the group is "confident that our membership understands the value of belonging to the FOP and we will continue to work hard to keep their trust."

Ohio AFL-CIO President Tim Burga said "billionaires and corporate special interests that have manipulated our system of justice have succeeded in getting the highest court in the land to do their bidding."

The Ohio Federation of Teachers and the Ohio Education Association also spoke out. OFT President Melissa Cropper said the decision will lead to greater activism among her members.

"This decision today is a momentary triumph for the wealthy special interests who backed this lawsuit," she said. "But the voices of working people will not go unheard. And unions, such as ours, remain the best way to make sure decision-makers - at work or in the halls of government - are listening."

The Ohio Civil Service Employees Association said the decision "will only further rig the economy in favor of the wealthy and corporate interests."

OAPSE Executive Director Joe Rugola called the decision political.

"Justice Alito even says in his opinion that unions are powerful and get things done for our members," he said. "That's what the anti-union forces are afraid of: that our collective voice on behalf of workers will mean better pay and benefits for working people."

**Kennedy Retirement:** Justice Kennedy announced his retirement Wednesday, paving the way for Republicans to move the court in a decidedly rightward direction, a fact that was not overlooked by many, including Ohio Right to Life, which predicted the overturning of *Roe v. Wade*.

"Moments like these are why pro-life Americans elected President Donald Trump," President Mike Gonidakis said. "He has the historic opportunity to add a justice who will serve as the fifth pro-life vote on the court. Ohio Right to Life's goal has always been to overturn *Roe v. Wade* and to see the end of abortion, which has killed 60 million American children in the last 45 years."

NARAL Pro-Choice Ohio Executive Director Kellie Copeland expressed concern that the next right-leaning appointee would be in a position to overturn the "constitutional right to access abortion."

"Americans have had their rights stripped away by the US Supreme Court, thanks in part to a stolen seat that should have been filled by President Barack Obama," she said. "Women, union members, and immigrants all were harmed by decisions handed down just this week. We need a court that protects and respects rights, not one that pushes the political agenda of Donald Trump, Mike Pence and their ultra conservative cronies."

U.S. Rep. Bill Johnson (R-Marietta) encouraged his upper chamber colleagues to act quickly on filling the court opening.

"I encourage President Trump to nominate a qualified jurist from the list of potential Supreme Court judges he unveiled during his presidential campaign - someone who will interpret the Constitution as written, rather than legislating from the bench," he said.

"Whoever ends up filling this vacancy will play a major role in the future of the high court."

Justice Kennedy plans to step down at the end of July, and U.S. Senate Majority Leader Mitch McConnell (R-KY) said he plans to hold a vote on a replacement this fall.

The White House in a statement provided no timeline on choosing the justice's successor and instead focused on his service.

"A Californian - like the president who appointed him - Justice Kennedy is a true man of letters," the statement read. "During his tenure on the court, he authored landmark opinions in every significant area of constitutional law, most notably on equal protection under the law, the separation of powers, and the First Amendment's guarantees of freedom of speech and religion."

#### **Chairman: Senate Looking For Balance With Payday Lending Measure**

Two weeks in the Senate wasn't enough time to resolve the complex issues surrounding payday lending law revisions, and interested parties will keep talking on a compromise, a key lawmaker guiding the process said Wednesday.

Sen. Scott Oelslager (R-N. Canton) made the comments following a meeting of the Senate Finance Committee, which he chairs. The panel heard some additional testimony before a surprise attempt by the ranking minority member to move it forward.

The chairman previous said he didn't intend to take any amendments or call a vote on the proposal (HB 123) this week, but Sen. Michael Skindell (D-Lakewood) made a motion to report the measure before the meeting could be adjourned.

After committee members were called back from other meetings, majority Republicans voted on party lines to table Sen. Skindell's motion.

Sen. Oelslager said he and many members of the committee are still unsure what direction they would like to see the bill go, whether that entails the way it's written, or with some or all of the recommendations made by Sen. Matt Huffman (R-Lima). (See Gongwer Ohio Report, June 26, 2018)

"We also want to make sure that the interested parties have a chance to keep talking," he said after the meeting. "It's a very complicated issue. We want to make sure there's a balance between the person offering the loan and the person taking out the loan."

Sen. Skindell's move came after Nick Bourke, director of consumer finance for the Pew Charitable Trusts, asked senators to advance the proposal as written.

"I urge this committee to take a vote," he said. "Vote on HB123 as passed by the House. Or make a few sensible amendments to HB123 as we've discussed and vote on that. Even if it fails, we will know where this process stands."



Mr. Bourke, who has testified several times on the measure, told the committee they have three options in front of them: an overhaul of regulations such as HB123, the complete elimination of high-interest lending, and the status quo.

The proposals from Sen. Huffman, he said, would preserve the status quo.

"It is not reform because it does not solve the problems for consumers and it would cost the small number of payday lenders who enjoy the status quo today virtually nothing," he said.

Sen. Oelslager asked if the proposal is worse than the current law for lenders, and Mr. Bourke said it would have no change.

Mr. Bourke also said lawmakers could propose to ban high-interest loans entirely.

Sen. Bill Coley (R-Liberty Twp.) said the 2008 regulation constituted an attempt to ban high-interest loans.

"Ten years ago, when the legislature and then the voters of Ohio dealt with the legislation, that was a ban bill in the state of Ohio," he said. "Is the House-passed version of HB123 a ban bill?"

Mr. Bourke said it's a reform effort and would still allow companies to operate.

"I've spoken with companies that used to operate in Ohio before 2008 that left Ohio because they did not want to operate in a loophole," he said.

The panel also heard from Ashish Gandhi, owner of Cash Plus Silverton, who praised Sen. Huffman's plan.

"I believe that Senator Huffman's plan was very well thought out and mathematically intelligent," he wrote. "He was magically able to give all sides what they were asking for. His plan lowers the APR that critics insisted on. His plan lowers the daily cost of a loan to less than a cheap cup of coffee at a gas station. His plan allows for a plethora of options for both consumers and businesses."

The original version of the legislation is "extreme, poorly written and not workable," he said.

Sen. Huffman's plan is not exactly what the industry would have wanted, but would allow businesses to stay in place, he said.

### **Prosecutors Praise Beefed Up Parole Monitoring Bill**

A bill to revise parole monitoring procedures has the potential to save lives, members of a Senate panel were told Wednesday.

The legislation (SB 202~~20~~) is named after Reagan Tokes, who was murdered by Brian Golsby shortly after his release from prison.

Lou Tobin, executive director of the Ohio Prosecuting Attorneys Association, said the legislation "will fill the gaps in the way the state manages offenders who are released from prison."

Among the bill's provisions, it would create reentry programs to ensure that those released from prison are not homeless and require restrictions to be placed on those who are on post-release control and fitted with GPS monitoring devices.

It would also require the state to create a database of GPS data that would be available to law enforcement officials when investigating crimes. Another portion of the legislation would focus on ensuring parole officer caseloads are not too large.

"Brian Golsby was released into homelessness and with a GPS monitor that did not establish zones within which he was allowed to move," Mr. Tobin told members of the Senate Government Oversight & Reform Committee. "It was subsequently discovered he committed at least six violent robberies, prior to his encounter with Reagan, all while being 'monitored.' The state must do more to address the circumstances that led to this."

William Parker of the American Court & Drug Testing Services said GPS monitors are essentially useless without guidelines and restrictions.

"GPS technology can do much, much more than simply provide the current location of someone wearing the ankle bracelet. Using easily programmable curfews, inclusion and exclusion zones and daily schedules, the technology can alert us immediately if the defendant is not where they are supposed to be when they are supposed to be there," he said.

"The technology can alert us immediately if the defendant moves into a neighborhood where his or her presence represents a threat to a person or community. It can notify us immediately if the defendant removes the bracelet or fails to charge the bracelet. But, the effective use of this technology requires more than satellites, cellular signals and computer applications."

Phyllis Carlson-Riehm of the ACTION OHIO Coalition For Battered Women also provided written testimony in support of the measure.

"We all know that Ohio's prisons are full to overflowing and the costs are enormous," she wrote. "We all know that prison reforms are long overdue to reduce the number of non-violent inmates and move them into meaningful community corrections programs and rehabilitated lives."

"But at the same time we must not fail to strengthen Ohio laws to hold violent repeat felons responsible for the multiple crimes that they commit and stop the needless human tragedies that are happening to many Ohio families."

Companion legislation (HB 365) - that also deals with indeterminate sentencing - cleared the House earlier this month. (See Gongwer Ohio Report, June 20, 2018)

### **Senate Releases Session Calendar**

The Senate could hold full sessions as many as 14 days during the second half of the year, according to a schedule released by Senate President Larry Obhof (R-Medina) on Wednesday.

The calendar sets if-needed sessions for July 10 and August 22. Three potential session dates are set for September.

Nine possible dates are scheduled for November and December, which would represent the chamber's post-election session.

The House has yet to release its schedule for July through December.

All session dates are available in Gongwer's full legislative schedule, where the meetings can be synced with Outlook calendars.

### **Governor's Appointments**

**Opportunities for Ohioans with Disabilities Council:** Kimberly S. Monachino of Twinsburg for a term beginning June 27, 2018, and ending June 1, 2019 and Margie Hegg of Upper Arlington for a term beginning June 27, 2018, and ending June 1, 2020.

### **Supplemental Agency Calendar**

**Thursday, June 28**

Business Gateway Steering Committee, 30 East Broad Street, Room 2925, Columbus, 1 p.m.

### **Supplemental Event Planner**

**Friday, August 3**

Sen. Sandra Williams (D-Cleveland) fundraiser, FOP Hall, 2249 Payne Ave., Cleveland, 5 p.m., (\$200 (table); \$20 (friend) to Friends of Sandra Williams)

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## House Activity for Wednesday, June 27, 2018

**PASSED**

**SB 66**

**CRIMINAL LAWS (Eklund, J., Tavares, C.)** To modify criminal sentencing and corrections law by including the promotion of effective rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting pre-trial diversion and intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation; to extend the State Highway Patrol's authority to enforce criminal laws to also apply to the Northeast Ohio Correctional Center; to modify the penalty for an employer's failure to remit state income taxes withheld from an employee; and to authorize the conveyance of state-owned real estate.

84-2 (Edwards, Schaffer) (Amended)

Gongwer Coverage

**SB 81**

**FIREARMS (Terhar, L.)** To waive the concealed carry license fee for active members of the armed forces and retired and honorably discharged veterans, to accept military experience with firearms as proof of competency with firearms regardless of when the applicant for a license acquired the experience, to permit a licensee to renew a concealed handgun-license at any time before the expiration of the license, and to require the Attorney General to monitor the number of license fees waived and cap the total amount allowed to be waived at \$1.5 million.

76-6


Gongwer Coverage

**SB 127**

**WASTE COLLECTION VEHICLES (LaRose, F.)** To require motor vehicle operators to take certain actions upon approaching a stationary waste collection vehicle collecting refuse on a roadside.

84-0

Gongwer Coverage

**SB 216** 

**SCHOOL REGULATIONS (Huffman, M.)** To enact the "Ohio Public School Deregulation Act" regarding the administration of preschool and primary and secondary education programs, to add the territory of Summit County to the Stark State College District, and to prescribe procedures for appointing the board of trustees of the combined technical college district.

60-32 (Amended)


Gongwer Coverage

**SB 220** 

**CYBERSECURITY (Hackett, B., Bacon, K.)** To provide a legal safe harbor to covered entities that implement a specified cybersecurity program, to allow transactions recorded by blockchain technology under the Uniform Electronic Transactions Act, and to alter the definition of "key employee" under the Casino Gaming Law.

62-21 (Earlier REPORTED-AMENDED)


Gongwer Coverage

**SB 221** 

**AGENCY RULEMAKING (Uecker, J.)** To reform agency rule-making and legislative review thereof.

73-19 (Earlier REPORTED-AMENDED)

Gongwer Coverage

**SB 229** 

**REGIONAL GOVERNMENT COUNCILS (Dolan, M.)** To modify the law concerning regional councils of governments to clarify that a municipal corporation eligible to designate a tourism development district may designate more than one district, to specify that the American Law Institute's approved "Restatement of the Law, Liability Insurance" does not constitute the public policy of Ohio, to designate a portion of U.S. Route 33 in Meigs County as the "Steve Story Memorial Highway," to designate a portion of Interstate Route 270 in Franklin County as the "Officers Anthony Morelli and Eric Joering Memorial Highway," and to designate the portion of U.S. Route 24 in Henry County as the "Henry County Veterans Highway."

88-0

Gongwer Coverage

**SB 299** 

**WATER IMPROVEMENTS (Gardner, R., O'Brien, S.)** To credit additional amounts of the Local Government Fund to fund public safety services in areas that experienced a 30% or more decrease in the taxable value of certain power plants between 2016 and 2017, to phase out the payments

over ten years, to increase the appropriation to the Local Government Fund; to support broadband development; to establish the OhioCorps Pilot Project; and to make appropriations, including appropriations for the protection and preservation of Lake Erie and the National Guard Scholarship Program.

88-0 (Amended)

**Gongwer Coverage**

**HB 7**

**MEDICAL PROVIDER IMMUNITY (Cupp, R.)** To grant qualified civil immunity to certain medical providers and emergency medical technicians who provide emergency medical services as a result of a disaster and through its duration; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to permit access to peer review committee documents during authorized inspections by the Director of Health while preserving their confidentiality; and to clarify the definition of "medical claim."

71-16

**Gongwer Coverage**

**HB 36**

**MARRIAGE CEREMONIES (Vitale, N.)** To provide that an ordained or licensed minister or religious society is not required to solemnize a marriage and a religious society is not required to allow any building or property of the religious society to be used to host a marriage ceremony if the marriage does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs, to provide that an ordained or licensed minister or religious society is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to an ordained or licensed minister or religious society for such a denial.

59-29 (Amended)

**Gongwer Coverage**

**HB 92**

**PUBLIC INDECENCY (Schaffer, T.)** To require an offender who knowingly commits the offense of public indecency under certain circumstances involving exposure of private parts likely to be viewed by minors and for the

purpose of sexual arousal or gratification to register as a Tier I sex offender/child-victim offender if the judge orders registration.

80-0

Gongwer Coverage

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**HB 126** ■ **KINSHIP CAREGIVERS (Boyd, J., Rezabek, J.)** To require a region-based kinship care navigator program, and to make an appropriation.

82-0

Gongwer Coverage

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**HB 156** ■ **VISION CARE INSURANCE (Schuring, K.)** Regarding limitations imposed by health insurers on vision care services.

75-2 (Hambley & Romanchuk)

Gongwer Coverage

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**HB 211** ■ **HOME INSPECTORS (Hughes, J.)** To require the licensure of home inspectors, to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors, and to require realtors who recommend home inspectors to provide a list of home inspectors

74-6

Gongwer Coverage

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**HB 240** ■ **MONTH DESIGNATION (Barnes, J.)** To enact the "Respect Your Date Act" to designate the month of April as "Respect Your Date Month" and to require each state institution of higher education to adopt a policy regarding dating violence, domestic violence, sexual assault, stalking, and rape on campus and to declare an emergency.

Bill: 77-0; Emergency: 75-6

Gongwer Coverage

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**HB 349** ■ **POLICE ANIMALS (LaTourette, S.)** To increase the penalty for assaulting a police dog or horse and to include search and rescue dogs and horses in the prohibition against assaulting or harassing a police animal.

69-11

Gongwer Coverage

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**HB 355** ■ **SEXTING (Hill, B., Rezabek, J.)** To generally prohibit sexting by a person under 19 years of age.



85-0

Gongwer Coverage


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**HB 386**  **CREDIT FREEZES (Henne, M., Kelly, B.)** To modify the fees that a credit reporting agency can charge in relation to a credit report freeze.

82-2

Gongwer Coverage


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**HB 425**  **BODY CAMERAS (Antani, N., Craig, H.)** To provide that specified portions of peace officers' body-worn camera recordings and the infrastructure record of a public school are not public records for purposes of the Public Records Law.

88-0

Gongwer Coverage


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**HB 428**  **STUDENT EXPRESSION (Ginter, T., LaTourette, S.)** Regarding student religious expression and to entitle the act the "Ohio Student Religious Liberties Act of 2018."

62-20

Gongwer Coverage


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**HB 469**  **TAX CREDIT (Schuring, K., Patton, T.)** To authorize a nonrefundable insurance company tax credit for contributions of capital to transformational mixed use development projects.

78-0

Gongwer Coverage


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**HB 479**  **DRUG PRICE INFORMATION (Lipps, S., West, T.)** Regarding pharmacy benefit managers, pharmacists, and the disclosure to patients of drug price information.

75-0

Gongwer Coverage

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**HB 480**  **MULTI-PARCEL AUCTIONS (Hill, B.)** To establish requirements governing multi-parcel auctions.

72-0

Gongwer Coverage

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**HB 497** ■ **PRIVATE IMAGES** (Rogers, J., Manning, N.) To prohibit the nonconsensual dissemination of private sexual images, to require that certain property involved in the offense be criminally forfeited, and to create certain legal rights and protections of a victim of the offense.  
81-0  
Gongwer Coverage

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**HB 500** ■ **TOWNSHIP LAWS** (Carfagna, R.) To make various changes to township law.  
81-0  
Gongwer Coverage

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**HB 502** ■ **YOUTH SUICIDE** (Anielski, M.) With regard to educator inservice training on youth suicide awareness and prevention in public schools.  
82-0  
Gongwer Coverage

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**HB 511** ■ **MARRIAGE AGE** (Lanese, L., Rogers, J.) To make changes to the laws governing the ages at which persons may marry.  
78-0  
Gongwer Coverage

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**HB 540** ■ **TEACHER EVALUATIONS** (Gavarone, T., Manning, N.) With regard to teacher evaluations.  
84-0  
Gongwer Coverage

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**HB 543** ■ **COUNTY PROSECUTORS** (Perales, R., Hambley, S.) To allow a county prosecuting attorney to enter into a contract with a regional airport authority, port authority, or regional planning commission to be its legal adviser.  
79-0  
Gongwer Coverage

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**HB 572** ■ **RETIREMENT CREDIT** (Scherer, G., Howse, S.) Regarding Public Employees Retirement System service credit for services as a nonteaching school employee of a county board of developmental disabilities.

80-0

Gongwer Coverage

**HB 595** ■

**PROBATE LAW (Cupp, R., Rezabek, J.)** Relative to procedures for a testator to file a declaratory judgment action to declare the validity of a will prior to death and the settlor of a trust to file such an action to declare its validity, exceptions to antilapse provisions in class gifts in wills and trusts, incorporation of a written trust into a will, trusts for a minor, arbitration of trust disputes, the creation of county and multicounty guardianship services boards, the coroner's disposition of person dying of suspicious or unusual death, an application for the release of medical records and medical billing records, and adding involuntary manslaughter not resulting from a felony vehicular homicide offense to the list of offenses excluding an individual from inheriting from a decedent.

78-0

Gongwer Coverage

**HOUSE CONCURS IN SENATE AMENDMENTS**

**HB 18** ■

**SPECIAL ELECTIONS (Pelanda, D., Retherford, W.)** to eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances; to authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers, to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices; and to require that, upon request, county auditors, municipal fiscal officers, and their employees must share lodging tax return information with the directors of convention and visitors' bureaus operating in their counties.

67-22

Gongwer Coverage

**HB 87** ■


**COMMUNITY SCHOOLS (Roegner, K.)** Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of the enrollment records of a community school, to clarify the time period within which a school district emergency levy or substitute levy may be renewed or replaced, to clarify the responsibilities of a school district treasurer regarding the signing or executing of certain documents, to require the State Board of Education to adopt standards for learning management software for internet- and computer-based community schools, regarding qualification for state payments by internet- or computer-based community schools, regarding joint

health and medical insurance programs by political subdivisions and county boards of developmental disabilities, regarding submission of five-year financial forecasts by public schools, and regarding the moratorium on certain provisions affecting community schools and school districts whose enrollments were affected due to enrolling students of a suspended e-school.

70-22

Gongwer Coverage

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**HB 263** 

**OUTDOOR DINING AREAS (Lanese, L.)** To generally allow an owner, keeper, or harbinger of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation.

79-10

Gongwer Coverage

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**HB 312** 

**POLITICAL SUBDIVISION SPENDING (Schuring, K., Greenspan, D.)** To regulate the use of credit cards and debit cards by political subdivisions, to modify the duties and powers of the Auditor of State, to specify that electronic submission of a public record request entitles the requestor to damages if the public office fails to comply with the Public Records Act, to make changes to the law governing financial planning and supervision commissions, and to authorize a property tax abatement for certain property subject to a submerged land lease and held by a municipal corporation.

91-0

Gongwer Coverage

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**HB 318** 

**SCHOOL RESOURCE OFFICERS (Patterson, J., LaTourette, S.)** To define the necessary qualifications and responsibilities of school resource officers, to require the Facilities Construction Commission to study and report on school building security upgrades and to make an appropriation.

69-20

Gongwer Coverage

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**HB 336** 

**LICENSE FEES (Barnes, J., Greenspan, D.)** To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative.

84-6

Gongwer Coverage

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**HB 347**

**ROAD NAMING** (Kelly, B., Dever, J.) To designate multiple memorial highways.

91-0

Gongwer Coverage

## CONFERENCE REPORT ADOPTED

**SB 1**

**DRUG OFFENSES** (LaRose, F.) To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, except for drug possession violations when the fentanyl-related compound is combined with marihuana or a Schedule III, IV, or V controlled substance and the offender did not know of the fentanyl content; to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse; and to add lisdexamfetamine to the list of schedule II controlled substances.

59-10

Gongwer Coverage

## HOUSE SPEAKER'S APPOINTMENTS

Community & Family Advancement Committee: Remove Rep. Brinkman, appoint Rep. Greenspan

## COMMITTEE HEARINGS

### Agriculture & Rural Development

**HB 560**

**PET FOOD** (Lanese, L.) To prohibit pet food from containing remains from an animal that was euthanized by the use of any drug injected intravenously or through another nonvascular route or remains from any dog or cat.

(CONTINUED; 1st Hearing-Sponsor)

Rep. Laura Lanese (R-Grove City) said her measure "will provide pet owners some assurance that their pet food does not contain the remains of other cats and dogs and that it does not contain pentobarbital, the drug used to euthanize cats and dogs."

The sponsor referred to news stories in recent years about tainted pet food and noted the FDA had recalled products after pentobarbital, which is used by veterinarians to euthanize cats, dogs and horses, was found in the samples from an Ohio-based pet food company. Rep. Lanese said current state law doesn't sufficiently cover the products that rendering plants sell to pet food manufacturers. "Under current Ohio law, a commercial feed is adulterated if it bears or contains any poisonous or deleterious substance that may render it injurious to animal or human health, except that when the substance is not an added

substance. Since the drug is not added during processing, the feed may not be considered an added substance and therefore permissible," she said.

"Most pet owners do not want to feed their family dog or cat the remains of other dogs and cats. Even if a consumer actively tries to make an informed decision by reading the label, terms like animal meal and meat meal make it hard to decipher what exactly is in our pet's food," the sponsor said. "Guardrails to ensure that our pets are not eating other pets and ingesting euthanasia drugs is one small token we can offer consumers, especially since pet food companies are denying they are part of the pet food they sell."

Responding to a question from Rep. Michael Sheehy (D-Oregon), the sponsor said there are federal regulations regarding pet food content but the lack of any legal actions underscore the need for Ohio to take action and tighten its oversight.

Several members had questions about testing for the drug, and Rep. Lanese told Rep. Darrell Kick (R-Loudonville) that imposing such costs on rendering plants would likely lead to extensive pushback.

She told Rep. John Patterson (D-Jefferson) she was unsure how many rendering plants existed in the state. "There's very little oversight of this industry," she said, adding the bill would only apply to Ohio plants.

Rep. Keith Faber (R-Celina) said he applauded the concept of the bill but questioned whether the oversight should be left to the free market, such as pet food makers putting testing labels on their products.

**HB 631** AMUSEMENT RIDES (Hughes, J., Patterson, J.) To revise the laws governing amusement ride operation and safety, to designate this act as "Tyler's Law," and to declare an emergency. (**CONTINUED (See separate story)**; 1st Hearing-Sponsor)

#### Insurance

**HB 621** DEATH BENEFITS (Hughes, J.) To revise the payments that surviving family members receive from the Ohio Public Safety Officers Death Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state. (**CONTINUED (No testimony)**; 3rd Hearing-Opponent)

Chair Rep. Tom Brinkman (R-Cincinnati) said the committee received a fiscal note detailing the bill's estimated costs. He said an amendment is being drafted in regard to a similar bill pending in the Senate.

**SB 227** HEALTH PLAN CLAIMS (Huffman, M.) To require health plan issuers to release certain claim information to group plan policyholders. (**CONTINUED**; 1st Hearing-Sponsor)

Sen. Matt Huffman (R-Lima) said the bill would give employers more information about claims made under their health insurance coverage while protecting information that details which individuals and dependents are receiving care.

That information will give small employers more data they can use to shop for coverage from insurers, he said. Without that information, small businesses are often left to renew coverage and accept rate increases proposed by insurers.

Claims information that would be shared with employers wouldn't include any personal information, and he said the release of that redacted data isn't prohibited by federal law.

The result would spur more competition in the insurance market, potentially leading to lower prices, he said.

**Rep. Wes Retherford** (R-Hamilton) asked if there would be any cases where the release of information could be denied.

Mr. Huffman said the bill directs the release of non-identifiable claims information about all people covered under a company's policy.

**Rep. George Lang** (R-West Chester) said his initial reaction to the proposal is that if an employer is paying an insurance bill, it should have access to claims information.

Responding to **Rep. Michael Henne** (R-Clayton), Sen. Huffman said the bill is targeted to employers with between 50 and 100 employees, and indicated that leaders of smaller companies might already be aware of health conditions that their employees have.

**Rep. Glenn Holmes** (R-McDonald) questioned whether the sponsor would be willing to consider redacting pharmaceutical information, indicating that having knowledge of drug use could create ethical issues for those who make decisions about employee coverage.

#### **Government Accountability & Oversight**

**SB 220** **CYBERSECURITY** (**Hackett, B., Bacon, K.**) To provide a legal safe harbor to covered entities that implement a specified cybersecurity program.

(REPORTED-AMENDED (No testimony); 3rd Hearing-All testimony-  
Possible amendments & vote)

An amendment offered by **Rep. Kathleen Clyde** (D-Kent) to replace the phrase "reasonable compliance" with "actual compliance" was tabled in an 8-2 vote, with **Rep. Bernadine Kent** (D-Columbus) joining all the Republicans present in the vote, as she would do throughout the committee meeting after recently being exiled from the House Democratic Caucus.

In explaining her motion to table, **Rep. Dorothy Pelanda** (D-Marysville) said actual compliance could be a difficult bar for small businesses to clear.

"Reasonable compliance was arrived at after several interested party meetings and discussions with those people," she said.

Another failed amendment proposed by Rep. Clyde would have allowed a person whose private information is compromised to request the attorney general's office bring legal action. If it does not, the person would be able to bring legal action on behalf of the state and split the recovery.

An amendment offered by **Rep. Bill Seitz** (R-Cincinnati) that would allow owners of casinos with less than a 5% stake to avoid licensing requirements was added to the bill. He said the current law that requires licensing for anyone owning as little as 1% is unworkable for a publicly traded company.

Rep. Clyde questioned how the amendment does not run afoul of the single-subject rule.

Rep. Seitz responded the subject matter of the bill is commerce.

"I can't see anybody filing a lawsuit over this because it is simply common sense," he said.

An amendment offered by chairman Rep. Lou Blessing (R-Cincinnati) pertaining to blockchain technology e-signatures was also attached to the measure.

**SB 221** **AGENCY RULEMAKING (Uecker, J.)** To reform agency rule-making and legislative review thereof. (**REPORTED-AMENDED (No testimony)**; 4th Hearing-All testimony-Possible amendments & vote)

A clarifying amendment offered by Rep. Blessing to make the language in the measure more consistent with the rest of the section was accepted without objection.

Two Democratic amendments - both offered by **Rep. Brigid Kelly** (D-Cincinnati) - were tabled.

The first would have removed language allowing a business to challenge an agency rule based on adverse impact. Rep. Kelly called the language "overly broad."

"I think the main thrust is really to just avoid harming business," Rep. Blessing said.

The other would have removed language allowing a business to contest a rule outside of the regular review period.

**SB 263** **NOTARY PUBLIC (Huffman, M., Wilson, S.)** To enact the Notary Public Modernization Act. (**CONTINUED (No testimony)**; 3rd Hearing-All testimony)

**Subscribers Note:** For full testimony see the [committee's website](#) under June 26.

## Health

**HB 167** **OPIOID MEDICATIONS (Edwards, J.)** Regarding addiction treatment and opioid prescribing by physicians and dentists. (**REPORTED**; 3rd Hearing-All testimony-Possible vote)

The measure was reported unanimously.

**Rep. Emilia Sykes** (D-Akron) said a constituent with chronic pain raised concerns about the limitations in the initial draft of the proposal and said it could hinder patients' ability to get treatment.

Sponsor **Rep. Jay Edwards** (R-Nelsonville) said those provisions have been removed from the bill, which now focuses on ensuring patients have access to medication-assisted treatment if a prescriber is unavailable. "I got a lot of the same calls," he said.

**HB 326** **PRESCRIBING AUTHORITY (Seitz, B., Gavarone, T.)** To authorize certain psychologists to prescribe psychotropic and other drugs for the treatment of drug addiction and mental illness. (**CONTINUED (No testimony)**; 6th Hearing-Possible substitute & amendments)

**HB 546** **TELEMEDICINE (Patton, T.)** To prohibit health benefit plans from treating telemedicine services differently from in-person health care services solely because they are provided as telemedicine services. (**CONTINUED**; 4th Hearing-All testimony-Possible vote)

Jimelle Rumberg, executive director of the Ohio Foot and Ankle Medical Association, said the measure would enhance physicians' efforts to provide quality, cost-effective care by allowing the care delivery system to evolve through telemedicine.



"As employers and insurers continue to drive consumers to high-deductible insurance plans that require more patient out-of-pocket requirements, telemedicine and its ability to provide quality care for lower prices could help consumers better manage their out-of-pocket requirements that are mandated by these high-deductible plans," she said.

She disputed claims that the legislation would mandate the use of telemedicine by insurers or health plans, saying it only creates a "payment parity" between in-person and telemedicine services.

"HB546 simply says that payment discrimination to a provider cannot take place solely based on the fact that the service is provided via telemedicine," she wrote. "Insurers and health plans still would have utilization management tools they may use to regulate telemedicine services and HB546 does not infringe on those capabilities."

Miranda Motter, president and CEO of the Ohio Association of Health Plans, said in written testimony that the proposal constitutes a statutory mandate for coverage of telehealth, which could stifle innovation and limit the technology's ability to be a tool to drive down costs.

"Telehealth should not be used to increase health care costs for consumers, employers and the state as the payer for Medicaid and the State Employees Health Plan," she wrote. "As a result, Ohio's health care consumers should not have to pay for 'bricks and mortar' infrastructure, facility fees and other types of fees hospitals and doctors charge for in-person services."

**HB 559** **CHILD IMMUNIZATIONS (Gonzales, A., Landis, A.)** To make changes to the law governing immunization of children enrolled in school, preschool programs, and day-care programs. (CONTINUED-SUBSTITUTE; 4th Hearing-Possible substitute & amendments)

The panel accepted a substitute version that removes the requirement that the Department of Health publish immunization rates by school building and makes other changes, said **Rep. Theresa Gavarone** (R-Bowling Green). (Comp Doc)

The school building change stemmed from concerns that it could lead to shaming and might allow specific students to be identified, she said.

The new version retains provisions about school-level reporting to ODH and clarifies that information from private and parochial schools is not to be posted on the department's website, she said.

Rep. Gavarone said the new version expands the eligible documents to include a copy of the child's immunization record and allows the provider to submit a form for parents seeking a non-medical exemption. It also delays implementation until the 2021 school year.

The committee received written testimony from Donna Kazee, president of Ohio Advocates for Medical Freedom, who urged committee members to pay more attention to concerns from opponents.

Ms. Kazee raised concerns about the tracking of vaccination and exemption status and the public posting of data, and about the insertion of a third party into the exemption process against the parent's choosing.

"These and other parents should not be forced to receive education and information when they are declining for religious/conscience reasons, which have nothing to do with medical information," she said.

She also suggested more details of the required form be standardized, raising concerns that it could include statements such as that they are placing their child and others in danger by not vaccinating.

"We encourage and are happy to assist with further discussion about both standardized form contents and responsibility and determination of standardized risk and benefit information," she said.

**HB 677** **MENTAL HEALTH (Barnes, J.)** To require the Department of Mental Health and Addiction Services to operate a demonstration program under which a mental health trauma center is established as part of a county hospital located in Cuyahoga County. **(CONTINUED; 1st Hearing-Sponsor & proponent)**

Sponsor Rep. John Barnes (D-Cleveland) said it would require a mental health trauma center to be established through a demonstration program at a county hospital in Cuyahoga County.

"In the state of Ohio, we have a crisis of mental health issues, and largely our government has been reactive to the problem," he said.

The proposal is intended to get out in front of the issue by improving access to mental health services, particularly short-term services, he said.

The sponsor said he hoped to work out the details of the proposal over the summer.

**HB 72** **STEP THERAPY (Johnson, T., Antonio, N.)** To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid. **(CONTINUED-SUBSTITUTE; 6th Hearing-Possible substitute)**

The committee accepted a substitute version that **Rep. Terry Johnson** (R-McDermott) said made a variety of changes. **(Fiscal Note)**

The new version replaces the terms "based on medical necessity" and "medically appropriate" with "consistent with medical and scientific evidence," he said. It also reduces the exemptions to four and modifies them. It now exempts a patient when the medication is contra-indicated or will likely cause an adverse reaction or physical or mental harm, as opposed to previously just if it is contra-indicated, he said.

The substitute version also makes changes to the appeals process, he said.

**Civil Justice**

**HB 147** **HUMANE SOCIETIES (Hambley, S.)** To make changes to humane society law and to make humane society agents subject to bribery law. **(REPORTED; 4th Hearing-All testimony-Possible vote)**

Corey Roscoe, Ohio state director for the Humane Society, submitted interested party testimony in which she said concerns remain that the regulations proposed "can create overdue burdens and unintentionally make it harder for humane societies to perform their volunteer law enforcement duties."

"One prominent concern of the bill is to require non-prosecution requirements entered in by humane society-appointed prosecutors be approved by a judge but not required for all prosecutors and cases prosecuted under 959," Ms. Roscoe wrote. "The law should be

consistent for all prosecutors if the goal of judicial review is to serve as a check and balance."

**HB 615** **DEBT COLLECTIONS (West, T.)** To require creditors, prior to collecting the debt of a decedent outside of probate, to explicitly inform the person from whom payment is sought that the person is under no obligation to pay the debt. (CONTINUED; 1st Hearing-Sponsor)

Due to the lateness of the committee's start, in terms of HB615, HB672 and HB694, Chair **Rep. Jim Butler** (R-Oakwood) said the panel would accept written sponsor testimony to constitute each bill's first hearing. Sponsors may appear before the panel at a later date to answer questions, he said.

In written testimony, **Rep. Thomas West** (D-Canton) urged support for his measure that aims to ensure those who have lost loved ones don't mistakenly believe they are obligated to pay the deceased's debts.

"House Bill 615 will require all creditors that have claims against an estate to inform the person from whom payment is sought, that they as an individual are under no obligation to pay the debt," the sponsor wrote. "The bill also states that failure to inform the individual is considered an unconscionable act and renders the creditor subject to legal action by the Attorney General or by the individual that was left uninformed."

**HB 672** **PUBLIC RECORDS (Barnes, J.)** To create a procedure by which a person may obtain a court order to correct an error, omission, or legal defect in a public record, and to name the act the "Final Order Correction Act." (CONTINUED; 1st Hearing-Sponsor)

Rep. John Barnes (D-Cleveland) said in his written presentation the proposal would enable a person to file a petition in the court of common pleas to request a correction or invalidation if an error, omission or legal defect is found in a public record.

The error must personally affect the complainant, who must then file with the county where the office responsible for the record is located or where the record is kept. The office must then respond and state the basis for belief the record is accurate.

The court would then determine whether a correction or invalidation is required based on a preponderance of the evidence. "The (bill) will ensure that the constitutional right of due process is achieved," Rep. Barnes wrote.

**HB 694** **CONTRACT LIMITATIONS (Lang, G.)** To shorten the period of limitations for actions upon a contract. (CONTINUED; 1st Hearing-Sponsor)

**Rep. George Lang** (R-West Chester Twp.) said in written testimony his proposal is "short but significant" in that it reduces the statute of limitations for written and oral contracts from eight and six years respectively to three years.

"As a business owner, the more certainty I can gain, the more business risks I can take," Rep. Lang said. "If I know my liability on a contract only runs for three years, I can take on different relationships. I can be certain that my current obligation will run for a time certain. This allows me to launch capital expenditures, strategically deploy capital, and to secure appropriate risk management devices."

Ohio previously had a 15-year statute on written contracts until 2012. He pointed to similar steps taken by Kentucky and other states, saying they risk putting Ohio at a competitive disadvantage.

"A significant, tangible cost savings will result for business by removing the necessity to retain eight years of documents," Rep. Lang said. "More and more, document retention is becoming a cost driver for business. Limiting the need to only three years, will remove a key burden on businesses."

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**Wednesday, June 27, 2018**

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- [Senate Releases Calendar for Second Half of 2018](#)
- [House OKs Religious Rights Bills, Child Marriage Ban, Rules on Explicit Images](#)
- [Senate Passes Government Regulations Reduction, Community School Legislation](#)
- [Dems Thwarted in Effort to Report Out Payday Lending Bill](#)
- [Senate Panel Seeks to Clarify E-School 'Safe Harbor' Provisions](#)
- [Energy Standards Bill Still Not Ready to Move, Lawmakers Say](#)
- [Portman, Brown Tout Defense Investment, Push Lake Erie Clean-Up](#)
- [SCOTUS Rules against Public-Sector Labor Unions](#)
- [Reactions Roll In to SCOTUS Decision in Janus v. AFSCME 31](#)
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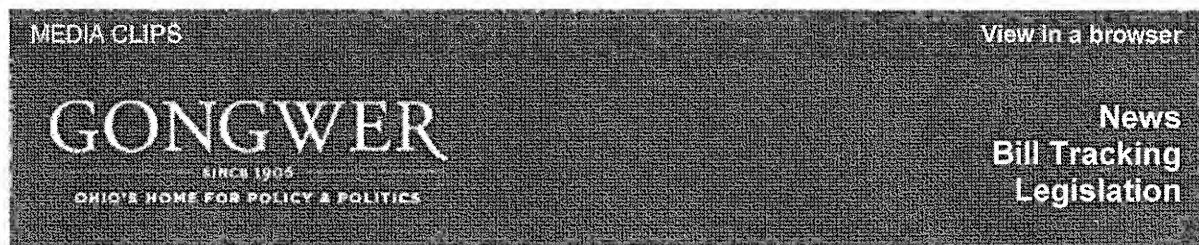
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**Auditor's report shows opioids impact on Medicaid (Associated Press, 7/2/2018)**

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**Ohio's new compliant driver's licenses: What documents will you need?  
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**Capitol Insider: Why is Ohio Medicaid defending pharmacy middlemen?  
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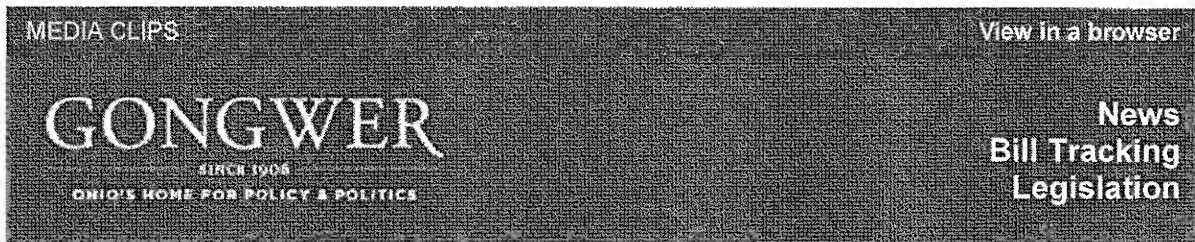
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## **SMITH CLIPS**



### **LAWMAKERS UNCERTAIN ABOUT THE FUTURE OF RIGHT TO WORK BILLS IN POST-JANUS OHIO**

As the dust was still settling on the last voting session day for the Ohio House of Representatives and Senate, leaders of both chambers fielded questions about another major piece of news occurring while they were busy passing legislation; the Janus v. AFSCME decision made by the Supreme Court of the United States (SCOTUS).



### **SMITH APPLAUDS BILL PASSAGE PROTECTING PASTORS, CLEAN LAKE PLAN**

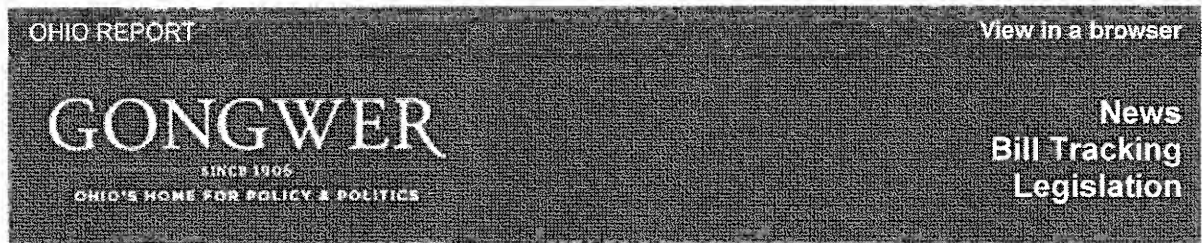
Speaker of the Ohio House Ryan Smith (R-Bidwell) has applauded the passage of Senate Bill 299, or the "Clean Lake 2020 Plan," and House Bill 36, or the "Ohio Pastor Protection Act," by the Ohio House of Representatives.

### **Libby Henson**

Special Assistant to the Speaker for Correspondence  
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## **OHIO REPORT THURSDAY, JULY 5**

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**Kidney Dialysis, Drug Penalties Amendment Campaigns Submit Petitions To Qualify For November Ballot**

**Siting Board Staff Issues Recommended Safety, Environmental Conditions For Proposed Off-Shore Turbines**

**Democrats Argue DeWine's ECOT Action 'Too Little, Too Late'**

**High Court Accepts Jurisdiction In Open Meetings Act Case**

**O'Connor's Latest Ad Features Kasich Voter; Becker Blasts U.S. Supreme Court; LPO Seeks Minor Party Status...**

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Construction Commission To Host Tech Webinar; Work Begins on OSU's  
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**Senate**

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**Day Planner**

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**Volume #87, Report #129 -- Thursday, July 5, 2018**

**Amendments Temper Superintendents' Victories In Education Overhaul Bill**

Late additions to a measure set to make dozens of changes to the state's K-12 education system made its passage somewhat bittersweet for the school administrators who helped lead the push for the legislation.

The lower chamber last week passed the measure (SB 216) 60-32 after it gained more than a dozen amendments in committee hearings and on the House floor. The Senate concurred in the House's changes by a vote of 28-1. (See Gongwer Ohio Report, June 27, 2018)

While a group of e-school reforms tacked onto the bill rankled House Democrats into opposing the measure, a number of less-debated changes displeased the school administrators who initially helped to shape the bill.

Chris Pfister, superintendent of the Waynesfield-Goshen Local School District, said he counts a floor amendment by Rep. Jeff Rezabek (R-Clayton) among the negative last-minute changes to the bill. The amendment, which was accepted by a vote of 62-28, strips language that would have prevented excused absences from being included in the state's calculation for what makes a student "excessively absent."

Under existing law, a student is "excessively absent" when he or she misses 38 or more hours in a month or 65 or more hours in a year, whether the absences are excused or not. When a student reaches either of those thresholds, the district must send a notification to the student's parents.

Mr. Pfister, who formed a steering committee of superintendents on the legislation at the request of sponsor Sen. Matt Huffman (R-Lima), said the existing law does not allow school officials to use their discretion. He said local school districts should not be penalized for absences by students who are seriously ill or keeping up with their work while dealing with difficult or unusual family situations.

"All we (requested was), just don't count valid reasons against kids, parents and school districts," he said, adding that 50% of his district's students who are considered excessively absent are on the honor roll.

Rep. Rezabek, in describing the amendment last week on the House floor, said the existing provision of state law is simply about notifying parents about their students' absences and collecting related data from school districts.

"We're trying to catch students who, whether you're excused or unexcused, you're not there," he said. "You're missing the time to learn."

Rep. Rezabek said a number of school districts attempted to "aggravate parents and rally the public" against the provision of a measure (HB410), which he sponsored in the 131<sup>st</sup> General Assembly. He said districts wrote unnecessarily "nasty letters" to parents of students who met the excessively absent threshold in the hopes of swaying the popular opinion of the law.

Rep. Rezabek said in an interview Thursday that if the change had gone through, "bad actors" among school districts simply could have excused any absence that would have led to additional intervention on the district's part. He said a small number of districts have been "purposefully creating (their) own controversy" about the letters to make the entirety of the law look bad.

"We just want to make sure the parents are notified," he said of the letters, adding that he "absolutely" would be open to improvements to the measure suggested by school districts.

Gov. John Kasich earlier this week appointed Rep. Rezabek as a juvenile court judge in Montgomery County. He is expected to resign effective July 11. (See Gongwer Ohio Report, July 2, 2018)

Among several amendments adopted in the House Education and Career Readiness Committee was one that stripped another suggestion by local school officials from SB 216.

The version of the legislation adopted by the Senate would have required students not receiving free or reduced price lunches to pay for half of their textbook costs for College Credit Plus courses they take at community colleges. By the time the measure passed the House last week, an amendment offered by Rep. Dan Ramos (D-Lorain) had removed that language from the bill.

Mr. Pfister said local school officials pushed for the change because students currently have no incentive to buy used or discounted textbooks, as local school districts are required to pick up costs related to the program.

"They can walk into the bookstore and buy a \$300 book and they don't care because it costs them absolutely nothing," he said.

Although he said many districts officials thought it was fair for students to have some skin in the game, Mr. Pfister said he also understood lawmakers' concerns that adding a cost for students to the program could prevent them from participating.

"We value College Credit Plus," he said. "I want as many of my students to get as many credits as they can."

A provision of the law allowing students to administer third-grade state achievement tests on paper instead of online counts as a win for local school administrators, Mr. Pfister said.

The superintendent said testing third-grade students on computers can be "developmentally inappropriate" and can lead to students being held back because they have not yet mastered computer skills.

"Do we want to test reading and writing or the manipulation of this technology?" he said.

Mr. Pfister said he would have liked to have seen the legislature go further in reducing restrictions that prevent districts from using teachers outside of their licensed grade bands. He said such restrictions can keep districts from putting "the best person in front of kids," but efforts to loosen them were watered down as the legislation moved forward.

Although he expressed disappointment with several changes to the bill during the legislative process, Mr. Pfister said he does view the measure as a good initial step on multiple fronts.

"Overall, everything that's in there is helpful," he said.

#### **Kidney Dialysis, Drug Penalties Amendment Campaigns Submit Petitions To Qualify For November Ballot**

A pair of campaigns backing constitutional amendments submitted petitions this week to qualify for the November ballot, with one reporting more than twice as many signatures as required.

Supporters of the Neighborhood Safety, Drug Treatment and Rehabilitation amendment reported submitting 730,031, according to the secretary of state's office. They need 305,591 of those signatures to be certified as valid in order to make the ballot.

Proponents of the other ballot issue, the Kidney Dialysis Patient Protection Amendment, submitted 472,308 signatures, according to the secretary of state's office.

County boards of elections will determine how many of the signatures are valid by July 19, and the secretary of state's office has until July 24 to certify whether the proposals qualify for the ballot, according to the state.

Backers of the kidney dialysis issue, which is being supported by the SEIU, said the effort is designed to improve patient care at dialysis clinics. (See Gongwer Ohio Report, July 3, 2018)

"When talking with Ohio voters, they shared so many stories of loved ones with kidney failure being overlooked by the healthcare system," Dr. Ean Bett, a physician who supports the initiative, said in a statement. "The goal of this initiative is to protect those

patients - not the profits of dialysis corporations - and that's why voters were so enthusiastic about getting this on the November ballot."

The Ohio Renal Association, meanwhile, blasted the proposal as "deceptive and unnecessary."

"This ballot issue leaves me dumbfounded and incredulous," nephrologist Dr. Chris Saunders said in a statement, "The sponsors of this amendment demonstrated an obvious lack of understanding of the needs of dialysis patients and the comprehensive set of medical protocols and regulations that already govern the delivery of dialysis in Ohio."

An estimated 18,000 Ohioans suffering from end-stage renal disease receive dialysis treatments in clinics three times a week, with each visiting taking three to four hours, the Renal Association said in a release.

The association said nine out of ten patients receive coverage from Medicare, Medicaid or other government programs. They said the proposal would require dialysis providers to issue rebates to private insurers if their revenue exceeds certain limits, but it does not require those insurers to pass savings on to patients.

"This out-of-state special interest group is proposing a constitutional amendment to lock in place an unnecessary and flawed set of regulations that will actually harm the very patients the paid petitioners say they want to protect," nephrologist Dr. Henry Wehrum said.

The "Neighborhood Safety, Drug Treatment and Rehabilitation" amendment would make significant changes to how many drug crimes are handled in the state. (See Gongwer Ohio Report, July 2, 2018)

It would require all fourth- and fifth-degree felony offenses for obtaining, possessing or using drugs or drug paraphernalia to be reclassified as no higher than first-degree misdemeanors.

The issue is expected to face opposition from the state's judges, with the executive director of the Ohio Judicial Conference saying the issue is one that should be handled in legislation, not in the constitution.

### **Siting Board Staff Issues Recommended Safety, Environmental Conditions For Proposed Off-Shore Turbines**

Staff of the Ohio Power Siting Board has submitted their recommendations for a slew of conditions they believe should be placed on a proposed off-shore wind farm in Lake Erie.

The 59-page report finalized this week follows months of investigation into the proposed Project Icebreaker - a 20 megawatt, six-turbine windfarm eyed for 10 miles off Cleveland's coast. (See Gongwer Ohio Report, March 28, 2018)

The report generally recommends state regulators agree with staff that the Lake Erie Energy Development Corp. has demonstrated adequate need for the project and met other steps required before final board approval.

In doing so, the report suggests 34 conditions be placed upon the project. The conditions themselves vary by subject area, encompassing topics including: ecology; safety; aviation; and air, water and solid waste. (Docket)

Among proposed safety requirements are that LEEDCo: complies with turbine manufacturers' most recent safety recommendations; obtains all relevant construction and transportation permits; enters into a road use agreement with appropriate parties prior to construction and subject to staff review; and mitigate any observed impacts to communication systems including maritime radio within seven days.

The stipulations also address potential impacts on bats and other aviatory wildlife - a point of contention between project backers and wildlife groups who have previously sued in an effort to halt the project. (See Gongwer Ohio Report, November 9, 2017)

The conditions would call for the project to stick to an avian and bat memorandum of understanding and require LEEDCo to submit both a fisheries and aquatic resources construction monitoring plan and an avian and bat impact mitigation plan at least 60 days prior to construction.

LEEDCo would be required to contact the Ohio Department of Natural Resources, staff and the U.S. Fish and Wildlife Service within 24 hours should it encounter a state or federally endangered species during construction or operation of the turbines. And staff is also seeking to require the corporation adopt a radar monitoring program to continually assess aviation activity.

A public hearing on the project is scheduled for July 19 in Cleveland even as written public comment from stakeholder groups and private citizens continues pouring in to the board on both sides of the issue.

Most recently, the Environmental Defense Fund urged support for the project, noting that LEEDCo had initially planned for project approval by February 2017. Since then, backers have submitted "an overwhelming amount of documentation to support is application" which EDF argues "easily meets or exceeds" the board's approval criteria.

"These projects will play a key role in reducing U.S. greenhouse gas emissions," EDF Midwest Policy Director Dick Munson wrote. "These projects take on greater importance now that the federal government may be about to misuse the Defense Production Act to provide illegal, uneconomic subsidies for old coal and gas plants."

He was referring to ongoing debate among the Trump Administration, which is considering using the law to offer new emergency financial supports to unprofitable plants. (See Gongwer Ohio Report, June 1, 2018)

### **Democrats Argue DeWine's ECOT Action 'Too Little, Too Late'**

While Attorney General Mike DeWine contends jurisdictional and procedural hurdles have kept him from playing a leading role in the drama surrounding the now-shuttered Electronic Classroom of Tomorrow, Democratic critics Thursday claimed he could have found a way to get involved earlier.

The criticisms followed a Tuesday court filing from the AG's office, which reiterated its interest in prosecuting financial claims ECOT has against third parties, including school founder Bill Lager. The state could recover public money by pursuing civil claims of breach of fiduciary duty and violation of the state's Corrupt Practices Act and its prohibition on public officials having interests in public contracts against Mr. Lager, according to the filing. (See Gongwer Ohio Report, July 3, 2018)

Tax records show ECOT, which closed its doors in January, transferred at least \$200 million to two other firms controlled by Mr. Lager, Altair Learning Management and IQ Innovations, according to the AG's filing.

Democratic Party Chairman David Pepper in a conference call Thursday said the Republican gubernatorial candidate's move to pursue claims against Mr. Lager is "too little, too late."

"Mike DeWine should have acted ... long before ECOT became a clear political liability," he said.

Dan Tierney, spokesman for the attorney general, said the office's response to the ECOT matter has been shaped by jurisdictional and procedural constraints.

"Under Ohio law, the attorney general does not have original jurisdiction in most criminal matters," he said, citing election fraud, workers' compensation fraud and certain organized crime cases involving drug and human trafficking among the areas in which the office does have jurisdiction.

County prosecutor's offices, he said, retain jurisdiction in the "vast majority" of criminal cases.

Earlier this year, State Auditor Dave Yost referred his office's audit of ECOT for potential criminal prosecution to the Franklin County Prosecutor's Office and the U.S. Attorney's Office after determining school officials submitted inaccurate data to the Department of Education. (See Gongwer Ohio Report, May 10, 2018)



Mr. Pepper said he thinks the jurisdictional concerns are "just an excuse." He said the attorney general's filing from earlier in the week "shows the entire state he could have gotten involved years ago."

"That particular set of facts has been painfully clear for years," he said of the ties among companies controlled by Mr. Lager.

Mr. Tierney said it's important to note the legal effort under discussion, which ECOT sponsor the Educational Service Center of Lake Erie West launched to get the court to appoint a receiver to manage and wind down operations at the Electronic Classroom of Tomorrow, began in January. The AG's office wants to pursue financial claims the shuttered school has against third parties in order to recoup taxpayer money without enlisting an outside firm that would take its own cut, he said.

"Part of the issue here is we have strong claims now that ECOT has closed that would not have been ripe prior to ECOT's closure," he said.

Mr. Tierney added AG DeWine is still waiting on approval from a Franklin County Common Pleas Court judge to move forward with potential collection actions.

"We're trying to start these proceedings as soon as we can," he said.

Rep. Tavia Galonski (D-Akron), who joined Mr. Pepper on the conference call, said she questions whether the AG could have used his authority to investigate the misuse of public funds to play a larger role in the matter. She added that she and Rep. Teresa Fedor (D-Toledo) in May requested the appointment of a special prosecutor to investigate ECOT after the audit's release.

Mr. Tierney said the AG's office does not have the authority to appoint a special prosecutor in the case without a request from the Franklin County Prosecutor's Office, which has original jurisdiction.

### **High Court Accepts Jurisdiction In Open Meetings Act Case**

The Ohio Supreme Court has agreed to take up a case that could determine if public bodies violate the Open Meetings Act by utilizing secret ballots.

The court has accepted the appeal of Patricia Meade, who alleged the Village of Bratenahl violated the law in 2015 when its council utilized a secret ballot to elect a president pro tempore.

The election required three rounds of voting, and the ballots were reviewed only by the village's law director, according to Ms. Meade, who is the publisher of a community news publication. (Docket)

In her memorandum in support of jurisdiction, Ms. Meade cites an advisory opinion from the attorney general's office and a 2016 Ohio Supreme Court ruling in which it found a

private and prearranged discussion of public business by a majority of a public body through email violates the state's open meeting laws. (See Gongwer Ohio Report, May 3, 2016)

"The OMA expressly declares that it is to be liberally construed in openness so as to require public officials to take official action and conduct all deliberations upon official business only in open meetings. In so doing, this court must conclude and declare that secret-ballot voting violates the OMA," she wrote.

Both the trial court and the Eight District Court of Appeals sided with the village in the case.

Ms. Meade said the appellate court ruling "created a standard that does not advance the purposes and goals of the OMA, but directly undermines them."

The Ohio Coalition for Open Government struck a similar tone in its amicus brief supporting jurisdiction in the case.

"If permitted to stand, the decision below will allow local governments to effectively operate in secret, impairing the public's ability to hold their representatives accountable," the group wrote. "Public knowledge of government operations is vital to the legitimacy of local governments in Ohio."

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"In fact, (the law) authorizes a legislative authority of a municipal corporation to determine its own rules and in this matter, village council followed its own past practice of using a contemporaneous vote by ballot to elect president pro tempore to a one-year term," the village wrote in opposing jurisdiction in the case.

The village also contends that the secret ballots were not designed to hide public business.

"Contrary to appellant's argument, the purpose of the handwritten ballot was not (to) conceal, but rather, to vote contemporaneously," it wrote. "A contemporaneous vote by handwritten ballot assures comradeship and precludes the potential public pressure resulting from hearing the other councilmember's votes."

#### **O'Connor's Latest Ad Features Kasich Voter; Becker Blasts U.S. Supreme Court; LPO Seeks Minor Party Status...**

Democrat Danny O'Connor's latest ad in his congressional bid seeks to bolster his standing with Republican voters who still back Gov. John Kasich.

In the ad, "Shannon," a Delaware woman lays out her rationale for voting for the Franklin County recorder.

"I voted for John Kasich the last three times. I voted for Trump because I didn't like the way things were going in Washington, and now I'm supporting Danny O'Connor," Shannon Ward says in the spot. "John Kasich and Danny O'Connor both don't worry about the labels of Democrat or Republican; they're going to get things done either way."

**Janus Decision:** Rep. John Becker (R-Union Twp.), a proponent of right-to-work laws, praised the U.S. Supreme Court's recent decision in *Janus* in which it found that non-union workers cannot be forced to pay fees to public sector unions.

However, he also blasted the court for legislating from the bench.

"The good news is that we now have public sector right-to-work across the United States. The bad news is that the little kings in black robes continue to overstep their constitutional authority by forcing their opinions down the throats of the rest of us," he said in a statement.

"The U.S. Constitution does not give the Supreme Court of the United States the authority to rule over the entire nation. Rather, they are only superior to the lower courts. Nor does the U.S. Constitution grant the Supreme Court veto power over legislation, also known as judicial review. These are powers that the justices of the court have granted to themselves."

**Minor Party:** The Libertarian Party of Ohio is seeking to regain its minor party status.

The group recently submitted 102,762 signatures to Secretary of State Jon Husted to do just that. A total of 54,964 valid petition signatures are needed to achieve the designation.

The party plans to announce a slate of 2018 candidates on July 14.

**GM Investment:** Mahoning Valley lawmakers are urging General Motors to reinvest in the area.

The call comes after the company announced that it would lay off second shift employees at its Lordstown plant.

In a letter to CEO Mary Barra, the lawmakers urge her to reconsider the decision.

"The Valley wants to continue to support GM. As this great American company evolves to meet the demands of the future, the workers at Lordstown want to evolve with the company they have devoted themselves to," they wrote. "There is a will to double down and train the current workforce for the jobs of tomorrow. Our workers and our communities want to continue to be a partner in a mutually beneficial relationship with GM."

The letter was signed by Rep. Job Bocchieri (D-Alliance), Rep. Glenn Holmes (D-McDonald), Rep. Michele Lepore-Hagan (D-Youngstown), Rep. Michael O'Brien (D-Warren), Sen. Joe Schiavoni (D-Boardman) and Sen. Sean O'Brien (D-Bazetta).

**Immigration Rally:** More than 400 people rallied Thursday at the Statehouse to protest President Donald Trump's policy of separating parents from children at the border.

Community Development for All People, the Ohio Hispanic Coalition and the Children's Defense Fund Ohio sponsored the event.

### **OEC Urges Steps To Tackle Algal Blooms; Portman, Brown Push Back On Dredging**

The Ohio Environmental Council is continuing to press for state-level action as algal blooms continue to grow in several parts of Lake Erie.

At the same time, Ohio's senators are pressing for protections against toxic dredging in the lake in a pending federal funding bill.

The debate over how to best tackle runoff fueling those blooms continues as lawmakers and Gov. John Kasich each mull respective legislative or executive action. (See Gongwer Ohio Report, July 2, 2018)

OEC Water Resources Director Peter Bucher said in a statement that recent high temperatures create the "perfect scenario for harmful algal blooms to occur earlier than normal."

"These blooms have already caused water advisories for beaches in northeastern Ohio and will likely disrupt recreation and tourism going forward over the summer," Mr. Bucher said.

"This problem isn't getting better and it won't simply go away," he said. "Wastewater treatment plants across Ohio need to be updated, and comprehensive nutrient management plans should be required in order to reduce agricultural runoff, or these blooms will remain an annual occurrence, and potentially worsen over time."

**Dredging:** U.S. Sen. Rob Portman (R-Terrace Park) and U.S. Sen. Sherrod Brown (D-Cleveland) secured their proposal to shield Lake Erie from dredging activity in a funding bill headed for the House.

The language is included in the Energy and Water Appropriations Act and would prohibit the Army Corps of Engineers from dumping toxic dredged material from the Cuyahoga River into the lake without the state's approval.

The provision, however, must clear hurdles in the House where representatives are tasked with reconciling their proposals with those of the Senate.

"The Cleveland Harbor project is vital to all of Ohio and we must ensure that the dredged material is not inappropriately disposed of by dumping it in Lake Erie without approval by the Ohio EPA," Sen. Portman said. "I will continue (to) use every tool available to make sure both the City of Cleveland's water supply and Lake Erie's ecosystem is protected."

Added Sen. Brown: "Lake Erie is a source of pride for Ohio - it's important for local businesses, local jobs, and the local ecosystem. This language will help us keep Lake Erie clean, keep the channel open for business, and ensure the Lake remains a viable resource for generations to come."

### **Annual Short-Term Technical Certificates Top 13K; Facilities Construction Commission To Host Tech Webinar; Work Begins on OSU's Franklin County Extension Office**

The Department of Higher Education announced 13,403 students earned short-term technical certificates from postsecondary education entities in the state in fiscal year 2017.

The state's community colleges and universities awarded 6,307 of the certificates during the year, while technical centers awarded the remaining 7,096, according to data from the ODHE.

Students earn the credentials by completing study programs of less than 30 credit hours or 900 clock hours in preparation for licensure and careers in fields such as nursing, firefighting and welding.

**Tech:** The Facilities Construction Commission will conduct a webinar for school administrators involved in building or renovation projects next week.

The presentation, which is titled "Everything You Need to Know About Tech in 30 Minutes," is set for 10-11 a.m. July 11.

Topics set for discussion during the presentation include augmented and virtual reality, flat panels and projectors and strategies for coordinating maintenance and security ahead of a building's opening day.

Prospective participants can register for the webinar online.

The commission also is currently accepting applications for the second round of its Lead Plumbing Fixture Replacement Assistance Grant Program.

Officials at schools built before 1990 can apply for up to \$15,000 through the program to replace drinking fountains, piping and other fixtures. Schools must seek funding through the program by the July 31 application deadline.

More information about the program can be found on the commission's website.

**Extension:** Ohio State University has broken ground on a 10,500-square-foot facility on the site of its Waterman Agricultural and Natural Resources Laboratory.

Kunz-Brundige Franklin County Extension Office - the first of three new buildings planned on the site - is being funded through an \$11 million donation from Patricia Brundige that also supports two Franklin County 4H educator positions.

"We envision the Kunz-Brundige Franklin County Extension Office as a hub for teaching, research and community engagement around food, health, agricultural production and sustainability," Cathann Kress, OSU's vice president for agricultural administration, said in a statement. "Thanks to the generosity of Pat Brundige, a longtime volunteer and advocate for OSU Extension, this facility will increase our engagement with the Franklin County community through educational programs and events for youth and adults."

OSU's Franklin County extension currently offers educational programs to thousands of children and adults every year, according to a news release from OSU.

**E-schools:** An online charter school advocacy group has requested Gov. John Kasich sign legislation containing conditional protections for schools that took in students from the Electronic Classroom of Tomorrow after it closed in January.

The Ohio eSchool Families and Friends Coalition on Thursday released a letter written by its president, Sara Donlon, urging the governor to refrain from vetoing the measure (SB 216), which the House passed last week.

"There's important language protecting public charter schools from being put at risk of closure, unfairly, simply for doing the right thing and accepting any and all ECOT students who needed a safe harbor," she wrote. "As you know, ECOT closed on a Friday and those families needed a place to go to ensure that their children's education was not interrupted. Our schools took them in under trying circumstances."

An amendment to the measure, which makes dozens of changes to the state's K-12 education system, creates a safe harbor from certain consequences, including closure, for schools that saw their enrollment grow by 10% from taking in ECOT students. The Senate later adopted amendments to another piece of legislation (HB 87) that bumped up the threshold to 20% and clarified that schools already set for closure without taking data from former ECOT students into account would not be protected by the safe harbor.

#### **Supplemental Agency Calendar**

**Wednesday, July 18**

Statewide Independent Living Council, Embassy Suites Columbus Airport, 2886 Airport Dr., Columbus, 10 a.m. (Committee meetings)

**Thursday, July 19**

Statewide Independent Living Council, Embassy Suites Columbus Airport, 2886 Airport Dr.,  
Columbus, 1 p.m.

17 S. High St., Suite 630  
Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

Scott Miller, President | Kent Cahlander, Editor | Mike Livingston, Dustin Ensinger, Jon Reed,  
Tom Gallick, Staff Writers

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mail.

## Senate Activity for Thursday, July 5, 2018

### INTRODUCED

**SB 315** ■ **POLICE REPORTS (Yuko, K.)** To prohibit law enforcement agencies from including identifying information of sexual assault victims in police reports posted online. Am. 149.436

17 S. High St., Suite 630  
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## Daily Activity Planner for Friday, July 6

### Legislative Committees

No legislative committees scheduled.

### Agency Calendar

No agency meetings scheduled.

### Event Planner

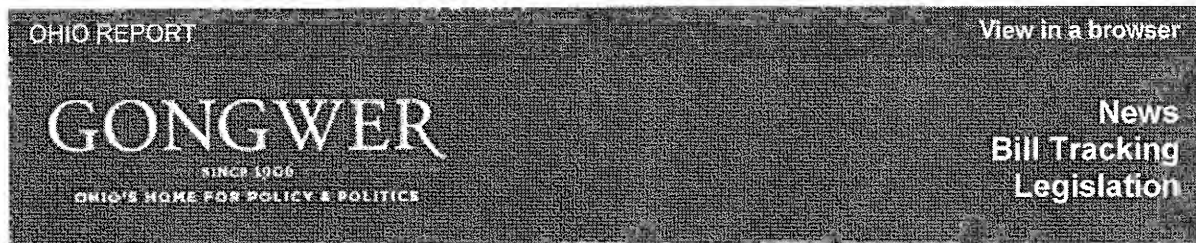
No events scheduled.

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**From:** Gongwer News Service  
**Sent:** Thursday, July 5, 2018 5:55 PM  
**To:** DL\_Gongwer  
**Subject:** Ohio Report, Thursday, July 5, 2018  
**Attachments:** Jul5.htm; Jul5Senate.htm; 180705dayplan.htm



## **OHIO REPORT THURSDAY, JULY 5**

**Amendments Temper Superintendents' Victories In Education Overhaul Bill**

**Kidney Dialysis, Drug Penalties Amendment Campaigns Submit Petitions To Qualify For November Ballot**

**Siting Board Staff Issues Recommended Safety, Environmental Conditions For Proposed Off-Shore Turbines**

**Democrats Argue DeWine's ECOT Action 'Too Little, Too Late'**

**High Court Accepts Jurisdiction In Open Meetings Act Case**

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**Supplemental Agency Calendar**

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**Senate**

## **CALENDARS**

**Day Planner**

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**Volume #87, Report #129 -- Thursday, July 5, 2018**

**Amendments Temper Superintendents' Victories In Education Overhaul Bill**

Late additions to a measure set to make dozens of changes to the state's K-12 education system made its passage somewhat bittersweet for the school administrators who helped lead the push for the legislation.

The lower chamber last week passed the measure (SB 216) 60-32 after it gained more than a dozen amendments in committee hearings and on the House floor. The Senate concurred in the House's changes by a vote of 28-1. (See Gongwer Ohio Report, June 27, 2018)

While a group of e-school reforms tacked onto the bill rankled House Democrats into opposing the measure, a number of less-debated changes displeased the school administrators who initially helped to shape the bill.

Chris Pfister, superintendent of the Waynesfield-Goshen Local School District, said he counts a floor amendment by Rep. Jeff Rezabek (R-Clayton) among the negative last-minute changes to the bill. The amendment, which was accepted by a vote of 62-28, strips language that would have prevented excused absences from being included in the state's calculation for what makes a student "excessively absent."

Under existing law, a student is "excessively absent" when he or she misses 38 or more hours in a month or 65 or more hours in a year, whether the absences are excused or not. When a student reaches either of those thresholds, the district must send a notification to the student's parents.

Mr. Pfister, who formed a steering committee of superintendents on the legislation at the request of sponsor Sen. Matt Huffman (R-Lima), said the existing law does not allow school officials to use their discretion. He said local school districts should not be penalized for absences by students who are seriously ill or keeping up with their work while dealing with difficult or unusual family situations.

"All we (requested was), just don't count valid reasons against kids, parents and school districts," he said, adding that 50% of his district's students who are considered excessively absent are on the honor roll.

Rep. Rezabek, in describing the amendment last week on the House floor, said the existing provision of state law is simply about notifying parents about their students' absences and collecting related data from school districts.

"We're trying to catch students who, whether you're excused or unexcused, you're not there," he said. "You're missing the time to learn."

Rep. Rezabek said a number of school districts attempted to "aggravate parents and rally the public" against the provision of a measure (HB410), which he sponsored in the 131<sup>st</sup> General Assembly. He said districts wrote unnecessarily "nasty letters" to parents of students who met the excessively absent threshold in the hopes of swaying the popular opinion of the law.

Rep. Rezabek said in an interview Thursday that if the change had gone through, "bad actors" among school districts simply could have excused any absence that would have led to additional intervention on the district's part. He said a small number of districts have been "purposefully creating (their) own controversy" about the letters to make the entirety of the law look bad.

"We just want to make sure the parents are notified," he said of the letters, adding that he "absolutely" would be open to improvements to the measure suggested by school districts.

Gov. John Kasich earlier this week appointed Rep. Rezabek as a juvenile court judge in Montgomery County. He is expected to resign effective July 11. (See Gongwer Ohio Report, July 2, 2018)

Among several amendments adopted in the House Education and Career Readiness Committee was one that stripped another suggestion by local school officials from SB 216.

The version of the legislation adopted by the Senate would have required students not receiving free or reduced price lunches to pay for half of their textbook costs for College Credit Plus courses they take at community colleges. By the time the measure passed the House last week, an amendment offered by Rep. Dan Ramos (D-Lorain) had removed that language from the bill.

Mr. Pfister said local school officials pushed for the change because students currently have no incentive to buy used or discounted textbooks, as local school districts are required to pick up costs related to the program.

"They can walk into the bookstore and buy a \$300 book and they don't care because it costs them absolutely nothing," he said.

Although he said many districts officials thought it was fair for students to have some skin in the game, Mr. Pfister said he also understood lawmakers' concerns that adding a cost for students to the program could prevent them from participating.

"We value College Credit Plus," he said. "I want as many of my students to get as many credits as they can."

A provision of the law allowing students to administer third-grade state achievement tests on paper instead of online counts as a win for local school administrators, Mr. Pfister said.

The superintendent said testing third-grade students on computers can be "developmentally inappropriate" and can lead to students being held back because they have not yet mastered computer skills.

"Do we want to test reading and writing or the manipulation of this technology?" he said.

Mr. Pfister said he would have liked to have seen the legislature go further in reducing restrictions that prevent districts from using teachers outside of their licensed grade bands. He said such restrictions can keep districts from putting "the best person in front of kids," but efforts to loosen them were watered down as the legislation moved forward.

Although he expressed disappointment with several changes to the bill during the legislative process, Mr. Pfister said he does view the measure as a good initial step on multiple fronts.

"Overall, everything that's in there is helpful," he said.

#### **Kidney Dialysis, Drug Penalties Amendment Campaigns Submit Petitions To Qualify For November Ballot**

A pair of campaigns backing constitutional amendments submitted petitions this week to qualify for the November ballot, with one reporting more than twice as many signatures as required.

Supporters of the Neighborhood Safety, Drug Treatment and Rehabilitation amendment reported submitting 730,031, according to the secretary of state's office. They need 305,591 of those signatures to be certified as valid in order to make the ballot.

Proponents of the other ballot issue, the Kidney Dialysis Patient Protection Amendment, submitted 472,308 signatures, according to the secretary of state's office.

County boards of elections will determine how many of the signatures are valid by July 19, and the secretary of state's office has until July 24 to certify whether the proposals qualify for the ballot, according to the state.

Backers of the kidney dialysis issue, which is being supported by the SEIU, said the effort is designed to improve patient care at dialysis clinics. (See Gongwer Ohio Report, July 3, 2018)

"When talking with Ohio voters, they shared so many stories of loved ones with kidney failure being overlooked by the healthcare system," Dr. Ean Bett, a physician who supports the initiative, said in a statement. "The goal of this initiative is to protect those

patients - not the profits of dialysis corporations - and that's why voters were so enthusiastic about getting this on the November ballot."

The Ohio Renal Association, meanwhile, blasted the proposal as "deceptive and unnecessary."

"This ballot issue leaves me dumbfounded and incredulous," nephrologist Dr. Chris Saunders said in a statement, "The sponsors of this amendment demonstrated an obvious lack of understanding of the needs of dialysis patients and the comprehensive set of medical protocols and regulations that already govern the delivery of dialysis in Ohio."

An estimated 18,000 Ohioans suffering from end-stage renal disease receive dialysis treatments in clinics three times a week, with each visiting taking three to four hours, the Renal Association said in a release.

The association said nine out of ten patients receive coverage from Medicare, Medicaid or other government programs. They said the proposal would require dialysis providers to issue rebates to private insurers if their revenue exceeds certain limits, but it does not require those insurers to pass savings on to patients.

"This out-of-state special interest group is proposing a constitutional amendment to lock in place an unnecessary and flawed set of regulations that will actually harm the very patients the paid petitioners say they want to protect," nephrologist Dr. Henry Wehrum said.

The "Neighborhood Safety, Drug Treatment and Rehabilitation" amendment would make significant changes to how many drug crimes are handled in the state. (See Gongwer Ohio Report, July 2, 2018)

It would require all fourth- and fifth-degree felony offenses for obtaining, possessing or using drugs or drug paraphernalia to be reclassified as no higher than first-degree misdemeanors.

The issue is expected to face opposition from the state's judges, with the executive director of the Ohio Judicial Conference saying the issue is one that should be handled in legislation, not in the constitution.

### **Siting Board Staff Issues Recommended Safety, Environmental Conditions For Proposed Off-Shore Turbines**

Staff of the Ohio Power Siting Board has submitted their recommendations for a slew of conditions they believe should be placed on a proposed off-shore wind farm in Lake Erie.

The 59-page report finalized this week follows months of investigation into the proposed Project Icebreaker - a 20 megawatt, six-turbine windfarm eyed for 10 miles off Cleveland's coast. (See Gongwer Ohio Report, March 28, 2018)

The report generally recommends state regulators agree with staff that the Lake Erie Energy Development Corp. has demonstrated adequate need for the project and met other steps required before final board approval.

In doing so, the report suggests 34 conditions be placed upon the project. The conditions themselves vary by subject area, encompassing topics including: ecology; safety; aviation; and air, water and solid waste. (Docket)

Among proposed safety requirements are that LEEDCo: complies with turbine manufacturers' most recent safety recommendations; obtains all relevant construction and transportation permits; enters into a road use agreement with appropriate parties prior to construction and subject to staff review; and mitigate any observed impacts to communication systems including maritime radio within seven days.

The stipulations also address potential impacts on bats and other aviatory wildlife - a point of contention between project backers and wildlife groups who have previously sued in an effort to halt the project. (See Gongwer Ohio Report, November 9, 2017)

The conditions would call for the project to stick to an avian and bat memorandum of understanding and require LEEDCo to submit both a fisheries and aquatic resources construction monitoring plan and an avian and bat impact mitigation plan at least 60 days prior to construction.

LEEDCo would be required to contact the Ohio Department of Natural Resources, staff and the U.S. Fish and Wildlife Service within 24 hours should it encounter a state or federally endangered species during construction or operation of the turbines. And staff is also seeking to require the corporation adopt a radar monitoring program to continually assess aviation activity.

A public hearing on the project is scheduled for July 19 in Cleveland even as written public comment from stakeholder groups and private citizens continues pouring in to the board on both sides of the issue.

Most recently, the Environmental Defense Fund urged support for the project, noting that LEEDCo had initially planned for project approval by February 2017. Since then, backers have submitted "an overwhelming amount of documentation to support is application" which EDF argues "easily meets or exceeds" the board's approval criteria.

"These projects will play a key role in reducing U.S. greenhouse gas emissions," EDF Midwest Policy Director Dick Munson wrote. "These projects take on greater importance now that the federal government may be about to misuse the Defense Production Act to provide illegal, uneconomic subsidies for old coal and gas plants."



He was referring to ongoing debate among the Trump Administration, which is considering using the law to offer new emergency financial supports to unprofitable plants. (See Gongwer Ohio Report, June 1, 2018)

### **Democrats Argue DeWine's ECOT Action 'Too Little, Too Late'**

While Attorney General Mike DeWine contends jurisdictional and procedural hurdles have kept him from playing a leading role in the drama surrounding the now-shuttered Electronic Classroom of Tomorrow, Democratic critics Thursday claimed he could have found a way to get involved earlier.

The criticisms followed a Tuesday court filing from the AG's office, which reiterated its interest in prosecuting financial claims ECOT has against third parties, including school founder Bill Lager. The state could recover public money by pursuing civil claims of breach of fiduciary duty and violation of the state's Corrupt Practices Act and its prohibition on public officials having interests in public contracts against Mr. Lager, according to the filing. (See Gongwer Ohio Report, July 3, 2018)

Tax records show ECOT, which closed its doors in January, transferred at least \$200 million to two other firms controlled by Mr. Lager, Altair Learning Management and IQ Innovations, according to the AG's filing.

Democratic Party Chairman David Pepper in a conference call Thursday said the Republican gubernatorial candidate's move to pursue claims against Mr. Lager is "too little, too late."

"Mike DeWine should have acted ... long before ECOT became a clear political liability," he said.

Dan Tierney, spokesman for the attorney general, said the office's response to the ECOT matter has been shaped by jurisdictional and procedural constraints.

"Under Ohio law, the attorney general does not have original jurisdiction in most criminal matters," he said, citing election fraud, workers' compensation fraud and certain organized crime cases involving drug and human trafficking among the areas in which the office does have jurisdiction.

County prosecutor's offices, he said, retain jurisdiction in the "vast majority" of criminal cases.

Earlier this year, State Auditor Dave Yost referred his office's audit of ECOT for potential criminal prosecution to the Franklin County Prosecutor's Office and the U.S. Attorney's Office after determining school officials submitted inaccurate data to the Department of Education. (See Gongwer Ohio Report, May 10, 2018)

Mr. Pepper said he thinks the jurisdictional concerns are "just an excuse." He said the attorney general's filing from earlier in the week "shows the entire state he could have gotten involved years ago."

"That particular set of facts has been painfully clear for years," he said of the ties among companies controlled by Mr. Lager.

Mr. Tierney said it's important to note the legal effort under discussion, which ECOT sponsor the Educational Service Center of Lake Erie West launched to get the court to appoint a receiver to manage and wind down operations at the Electronic Classroom of Tomorrow, began in January. The AG's office wants to pursue financial claims the shuttered school has against third parties in order to recoup taxpayer money without enlisting an outside firm that would take its own cut, he said.

"Part of the issue here is we have strong claims now that ECOT has closed that would not have been ripe prior to ECOT's closure," he said.

Mr. Tierney added AG DeWine is still waiting on approval from a Franklin County Common Pleas Court judge to move forward with potential collection actions.

"We're trying to start these proceedings as soon as we can," he said.

Rep. Tavia Galonski (D-Akron), who joined Mr. Pepper on the conference call, said she questions whether the AG could have used his authority to investigate the misuse of public funds to play a larger role in the matter. She added that she and Rep. Teresa Fedor (D-Toledo) in May requested the appointment of a special prosecutor to investigate ECOT after the audit's release.

Mr. Tierney said the AG's office does not have the authority to appoint a special prosecutor in the case without a request from the Franklin County Prosecutor's Office, which has original jurisdiction.

### **High Court Accepts Jurisdiction In Open Meetings Act Case**

The Ohio Supreme Court has agreed to take up a case that could determine if public bodies violate the Open Meetings Act by utilizing secret ballots.

The court has accepted the appeal of Patricia Meade, who alleged the Village of Bratenahl violated the law in 2015 when its council utilized a secret ballot to elect a president pro tempore.

The election required three rounds of voting, and the ballots were reviewed only by the village's law director, according to Ms. Meade, who is the publisher of a community news publication. (Docket)

In her memorandum in support of jurisdiction, Ms. Meade cites an advisory opinion from the attorney general's office and a 2016 Ohio Supreme Court ruling in which it found a

private and prearranged discussion of public business by a majority of a public body through email violates the state's open meeting laws. (See Gongwer Ohio Report, May 3, 2016)

"The OMA expressly declares that it is to be liberally construed in openness so as to require public officials to take official action and conduct all deliberations upon official business only in open meetings. In so doing, this court must conclude and declare that secret-ballot voting violates the OMA," she wrote.

Both the trial court and the Eight District Court of Appeals sided with the village in the case.

Ms. Meade said the appellate court ruling "created a standard that does not advance the purposes and goals of the OMA, but directly undermines them."

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However, he also blasted the court for legislating from the bench.

"The good news is that we now have public sector right-to-work across the United States. The bad news is that the little kings in black robes continue to overstep their constitutional authority by forcing their opinions down the throats of the rest of us," he said in a statement.

"The U.S. Constitution does not give the Supreme Court of the United States the authority to rule over the entire nation. Rather, they are only superior to the lower courts. Nor does the U.S. Constitution grant the Supreme Court veto power over legislation, also known as judicial review. These are powers that the justices of the court have granted to themselves."

**Minor Party:** The Libertarian Party of Ohio is seeking to regain its minor party status.

The group recently submitted 102,762 signatures to Secretary of State Jon Husted to do just that. A total of 54,964 valid petition signatures are needed to achieve the designation.

The party plans to announce a slate of 2018 candidates on July 14.

**GM Investment:** Mahoning Valley lawmakers are urging General Motors to reinvest in the area.

The call comes after the company announced that it would lay off second shift employees at its Lordstown plant.

In a letter to CEO Mary Barra, the lawmakers urge her to reconsider the decision.

"The Valley wants to continue to support GM. As this great American company evolves to meet the demands of the future, the workers at Lordstown want to evolve with the company they have devoted themselves to," they wrote. "There is a will to double down and train the current workforce for the jobs of tomorrow. Our workers and our communities want to continue to be a partner in a mutually beneficial relationship with GM."

The letter was signed by Rep. Job Bocchieri (D-Alliance), Rep. Glenn Holmes (D-McDonald), Rep. Michele Lepore-Hagan (D-Youngstown), Rep. Michael O'Brien (D-Warren), Sen. Joe Schiavoni (D-Boardman) and Sen. Sean O'Brien (D-Bazetta).

**Immigration Rally:** More than 400 people rallied Thursday at the Statehouse to protest President Donald Trump's policy of separating parents from children at the border.

Community Development for All People, the Ohio Hispanic Coalition and the Children's Defense Fund Ohio sponsored the event.

### **OEC Urges Steps To Tackle Algal Blooms; Portman, Brown Push Back On Dredging**

The Ohio Environmental Council is continuing to press for state-level action as algal blooms continue to grow in several parts of Lake Erie.

At the same time, Ohio's senators are pressing for protections against toxic dredging in the lake in a pending federal funding bill.

The debate over how to best tackle runoff fueling those blooms continues as lawmakers and Gov. John Kasich each mull respective legislative or executive action. (See Gongwer Ohio Report, July 2, 2018)

OEC Water Resources Director Peter Bucher said in a statement that recent high temperatures create the "perfect scenario for harmful algal blooms to occur earlier than normal."

"These blooms have already caused water advisories for beaches in northeastern Ohio and will likely disrupt recreation and tourism going forward over the summer," Mr. Bucher said.

"This problem isn't getting better and it won't simply go away," he said. "Wastewater treatment plants across Ohio need to be updated, and comprehensive nutrient management plans should be required in order to reduce agricultural runoff, or these blooms will remain an annual occurrence, and potentially worsen over time."

**Dredging:** U.S. Sen. Rob Portman (R-Terrace Park) and U.S. Sen. Sherrod Brown (D-Cleveland) secured their proposal to shield Lake Erie from dredging activity in a funding bill headed for the House.

The language is included in the Energy and Water Appropriations Act and would prohibit the Army Corps of Engineers from dumping toxic dredged material from the Cuyahoga River into the lake without the state's approval.

The provision, however, must clear hurdles in the House where representatives are tasked with reconciling their proposals with those of the Senate.

"The Cleveland Harbor project is vital to all of Ohio and we must ensure that the dredged material is not inappropriately disposed of by dumping it in Lake Erie without approval by the Ohio EPA," Sen. Portman said. "I will continue (to) use every tool available to make sure both the City of Cleveland's water supply and Lake Erie's ecosystem is protected."

Added Sen. Brown: "Lake Erie is a source of pride for Ohio - it's important for local businesses, local jobs, and the local ecosystem. This language will help us keep Lake Erie clean, keep the channel open for business, and ensure the Lake remains a viable resource for generations to come."

### **Annual Short-Term Technical Certificates Top 13K; Facilities Construction Commission To Host Tech Webinar; Work Begins on OSU's Franklin County Extension Office**

The Department of Higher Education announced 13,403 students earned short-term technical certificates from postsecondary education entities in the state in fiscal year 2017.

The state's community colleges and universities awarded 6,307 of the certificates during the year, while technical centers awarded the remaining 7,096, according to data from the ODHE.

Students earn the credentials by completing study programs of less than 30 credit hours or 900 clock hours in preparation for licensure and careers in fields such as nursing, firefighting and welding.

**Tech:** The Facilities Construction Commission will conduct a webinar for school administrators involved in building or renovation projects next week.

The presentation, which is titled "Everything You Need to Know About Tech in 30 Minutes," is set for 10-11 a.m. July 11.

Topics set for discussion during the presentation include augmented and virtual reality, flat panels and projectors and strategies for coordinating maintenance and security ahead of a building's opening day.

Prospective participants can register for the webinar online.

The commission also is currently accepting applications for the second round of its Lead Plumbing Fixture Replacement Assistance Grant Program.

Officials at schools built before 1990 can apply for up to \$15,000 through the program to replace drinking fountains, piping and other fixtures. Schools must seek funding through the program by the July 31 application deadline.

More information about the program can be found on the commission's website.

**Extension:** Ohio State University has broken ground on a 10,500-square-foot facility on the site of its Waterman Agricultural and Natural Resources Laboratory.

Kunz-Brundige Franklin County Extension Office - the first of three new buildings planned on the site - is being funded through an \$11 million donation from Patricia Brundige that also supports two Franklin County 4H educator positions.

"We envision the Kunz-Brundige Franklin County Extension Office as a hub for teaching, research and community engagement around food, health, agricultural production and sustainability," Cathann Kress, OSU's vice president for agricultural administration, said in a statement. "Thanks to the generosity of Pat Brundige, a longtime volunteer and advocate for OSU Extension, this facility will increase our engagement with the Franklin County community through educational programs and events for youth and adults."

OSU's Franklin County extension currently offers educational programs to thousands of children and adults every year, according to a news release from OSU.

**E-schools:** An online charter school advocacy group has requested Gov. John Kasich sign legislation containing conditional protections for schools that took in students from the Electronic Classroom of Tomorrow after it closed in January.

The Ohio eSchool Families and Friends Coalition on Thursday released a letter written by its president, Sara Donlon, urging the governor to refrain from vetoing the measure (SB 216), which the House passed last week.

"There's important language protecting public charter schools from being put at risk of closure, unfairly, simply for doing the right thing and accepting any and all ECOT students who needed a safe harbor," she wrote. "As you know, ECOT closed on a Friday and those families needed a place to go to ensure that their children's education was not interrupted. Our schools took them in under trying circumstances."

An amendment to the measure, which makes dozens of changes to the state's K-12 education system, creates a safe harbor from certain consequences, including closure, for schools that saw their enrollment grow by 10% from taking in ECOT students. The Senate later adopted amendments to another piece of legislation (HB 87) that bumped up the threshold to 20% and clarified that schools already set for closure without taking data from former ECOT students into account would not be protected by the safe harbor.

### **Supplemental Agency Calendar**

**Wednesday, July 18**

Statewide Independent Living Council, Embassy Suites Columbus Airport, 2886 Airport Dr., Columbus, 10 a.m. (Committee meetings)

**Thursday, July 19**

Statewide Independent Living Council, Embassy Suites Columbus Airport, 2886 Airport Dr.,  
Columbus, 1 p.m.

17 S. High St., Suite 630  
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## Senate Activity for Thursday, July 5, 2018

### INTRODUCED

**SB 315**  **POLICE REPORTS (Yuko, K.)** To prohibit law enforcement agencies from including identifying information of sexual assault victims in police reports posted online. Am. 149.436

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## Daily Activity Planner for Friday, July 6

### Legislative Committees

No legislative committees scheduled.

### Agency Calendar

No agency meetings scheduled.

### Event Planner

No events scheduled.

17 S. High St., Suite 630

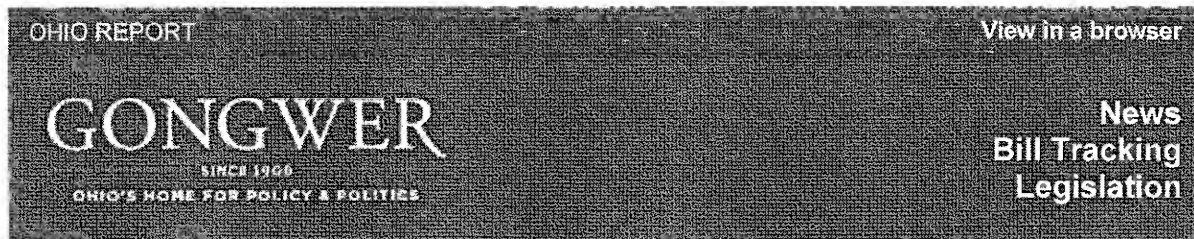
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**Sent:** Tuesday, July 10, 2018 6:16 PM  
**To:** DL\_Gongwer  
**Subject:** Ohio Report, Tuesday, July 10, 2018  
**Attachments:** Jul10.htm; Jul10Senate.htm; 180710dayplan.htm



## **OHIO REPORT TUESDAY, JULY 10**

**Lending Bill Passes Divided Senate, Awaits Final Action By House**

**Public Notice Changes Among Other Measures To Pass Senate**

**Ed Board Boosts Third-Grade Reading Benchmark**

**Gubernatorial Hopefuls Address Infrastructure, Transportation Plans**

**Panel Suggests Revisions To State Report Cards**

**High Court: Class Action BWC Suit Seeks Legal Relief, Filed In Wrong Court**

**Kavanaugh Nomination Leads To Strong Reaction On Both Sides**

**Exelon Moves To Purchase FirstEnergy Solutions**

**Renacci Pledges To Serve Two Terms; Dialysis Issue Gets Formal Opposition; Group Looks To Make It Easier To Opt-Out Of Unions...**

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**Supplemental Agency Calendar**

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**Senate Committee Hearings**

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**Senate**

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**Day Planner**

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**Volume #87, Report #132 -- Tuesday, July 10, 2018**

**Lending Bill Passes Divided Senate, Awaits Final Action By House**

A contentious proposal to overhaul the state's short-term lending laws passed the Senate Tuesday despite a divided Republican majority.

The chamber voted 21-9 in favor of the measure (HB 123), with the opposition coming from Republican members concerned the measure would go too far in pushing lenders out of the industry and limiting access to credit.

The passage is a major step in the long journey of the legislation, which passed the House in June and went through seven sometimes heated hearings in the Senate Finance Committee.

That committee reported the measure earlier in the day Tuesday after accepting one amendment and rejecting several others. This came a day after it went through significant changes in a substitute version designed to make it easier for lenders to stay in business. (See Gongwer Ohio Report, July 9, 2018)

It now heads back to the House for that chamber's consideration of the Senate changes. The House has a pair of "if-needed" session days scheduled for September, with the other scheduled sessions set for after the November election. (See Gongwer Ohio Report, June 28, 2018)

Senate President Larry Obhof (R-Medina) said after the vote that he thought the measure would help provide consumer protections while still allowing people to access credit.

"I don't think people should be trapped in a debt spiral that they can't get out of. I think we all agree with that," he said. "I think the question for the people who may have voted differently is what's the right amount of involvement there to provide consumer protections but maintain credit, and I think we ended up there."

Sen. Scott Oelslager (R-N. Canton), chairman of the Finance Committee, which reviewed and updated the measure, said he felt it was a "balanced bill" and dismissed concerns no lenders would offer loans in the state.

"As long as there is a need and money to be made, there will be a lender who will be competitive and profitable," he said after the session.

Several senators spoke against the bill ahead of the vote.

"Flat out, it's just a bad idea," said Sen. Bill Coley (R-Liberty Twp.).

He said there will always be a need for short-term loans, and that the measure doesn't address that, but only serves to push out one option currently available to borrowers.

"You're not helping anyone, because you're not dealing with the fundamental demand," he said.

Sen. Lou Terhar (R-Cincinnati) said it would make it difficult for anyone with a credit score below about 600 to receive credit of any kind. He also said the prohibition on auto title loans will further reduce the ability for some people without lots of assets to borrow.

"If they have an economic asset, should they not have the choice to use that as collateral in a loan?" he said. "To effectively ban a way for somebody to use that asset violates the basic doctrine we've all been taught since we were children."

Some senators raised concerns with a provision that caps payments for loans up to 90 days at 6% of the borrower's gross monthly income, effectively setting income limits for who can obtain loans for those short terms.

"If you do the arithmetic, a loan under the bill that is paid over the course of four months will, at the end of the day, cost a heck of a lot more to the consumer than the 30-day loan will cost," Sen. John Eklund (R-Chardon) said.

Sen. Dave Burke (R-Marysville) pushed back, saying longer-term loans give borrowers more ability to pay them back than a series of escalating 30-day loans.

"I support this bill not because it is perfect, but because it is good," he said. "Lower interest rates on the poor is a good direction to go. Lower fees on the poor is a good direction to go."

Sen. Vernon Sykes (D-Akron) said the legislation is long-needed to fix a loophole left in the 2008 law to regulate payday lenders.

"All that we did in 2008 didn't help anybody," he said. "But the reason it didn't help anybody is that they found a loophole and then they didn't have to follow those regulations. They've been gouging Ohioans ever since."

"What we have before us is an elimination of the loophole, and we are making the loans more affordable," he added.

Joining Sen. Coley, Sen. Terhar and Sen. Eklund in opposition were Sen. Bob Hackett (R-London), Sen. Frank Hoagland (R-Adena), Sen. Matt Huffman (R-Lima), Sen. Kris Jordan (R-Ostrander), Sen. Rob McColley (R-Napoleon) and Sen. Joe Uecker (R-Loveland).

Three members, Sen. Stephanie Kunze (R-Hilliard), Sen. Edna Brown (D-Toledo) and Sen. Michael Skindell (D-Lakewood), were absent.

The passage drew praise from advocates who had pushed for the measure, including the Pew Charitable Trusts.

"The measure passed in the Senate today is a thoughtful, bipartisan, and fair compromise that builds upon the framework of the House bill," Nick Bourke, director of consumer finance for Pew, said in a statement. "The Senate version provides lenders with more revenue than under the House's measure while maintaining strong consumer protections that would end practices that harm Ohio families."

The Ohio Consumer Lenders Association, meanwhile, blasted the vote.

"Today was a loss for the consumers of Ohio and the more than 1 million Ohioans who use short term loan products every year," spokesman Pat Crowley said in a statement. "The passing of HB 123 - motivated and manipulated by a Washington-based advocacy group that is pushing its agenda of how Ohio consumers should borrow money. The biggest losers are the constituents who now have fewer options for access to cash in the event of a financial emergency. Idealism won today; the consumers of Ohio lost."

**Committee Action:** The committee reported the measure 10-2, with Sens. Coley and Eklund in opposition. Before the report, the panel accepted an amendment Sen. Oelslager said would allow lenders to operate online as long as they follow the regulations of the Short Term Loan Act.

The panel tabled a series of amendments offered by Sen. Coley, including one modifying the 60% fee cap, one moving the payment cap for loans under three months from 6% of a borrower's gross monthly income to 25%, one making changes to the monthly maintenance fee and one modifying allowable loan origination fees.

Much of the discussion in committee focused on the differences between the substitute version and Colorado's law.

Ted Saunders, president of the Ohio Consumer Lenders Association, presented charts showing the difference in fees and APR for loans between Colorado and the substitute version.

"The vast majority of loans that are made in Colorado would not be possible under the sub bill proposed yesterday," he said.

He said he has long supported rate caps for the industry, which would keep bad actors who charge the highest fees out.

Sen. Oelslager asked why the industry didn't come forward and ask for rate caps in the 10 years since the previous law went into effect.

"Why didn't you come forward then?" he asked. "If you had taken a proactive role, you might not be standing here today."

Mr. Saunders said the industry formed the OCLA to spread best practices, and that they worked with legislators in the House and the Senate to try to include a structure they would prefer.

Another issue Mr. Saunders focused on is the measure's limitation on loans that can be made for 90 days or less. He said the income restrictions will keep Ohioans with average incomes from being able to access loans for terms shorter than three months. Lenders could offer them four-month loans, but that would entail higher rates.

Sen. Burke asked if the legislation would prevent borrowers from paying back loans early and avoiding most of the fees.

"That incentive would certainly be in the consumer's best interest," he said.

Mr. Saunders said nothing would prevent that, but that most borrowers are likely to stick to the terms of the contract.

Mr. Bourke also testified on the differences between Colorado and the proposed Ohio law, and said most loans in Colorado are paid back early.

Part of that is because Colorado's law structures fees so that there is no monthly maintenance fee for the first 60 days, so loans paid back in full before then are cheaper, he said.

The Ohio proposal would provide lenders with more revenue in those cases, he said.

"The lenders under sub HB123 get access to that monthly maintenance fee from day one," Mr. Bourke said.

Another lender, Cheney Pruett, founder and CEO of CashMax, detailed his business operations and said he wouldn't be able to operate under it.

"I'm out of business and almost all others like me in the state will be as well," he said.

Consumers, then, would move to other options, including not paying bills, overdrafting accounts or turning to online lenders, he said.

"I think my customers should have the right to choose for themselves," he said.

#### **Public Notice Changes Among Other Measures To Pass Senate**

The Senate returned to work Tuesday for a rare summer session primarily to tackle short-term lending but passed a few unrelated bills while they were at it.

Measures dealing with local governments' use of mail for official documents, the POW/MIA flag and shoreline improvements all cleared the chamber unanimously.



The session was the first available "if-needed" session for the summer, and the chamber took advantage of it to handle the lending proposal. (*See separate story*)

Senate President Larry Obhof (R-Medina) reiterated that he has never intended to take the summer off, and that the chamber has three potential session dates set for September. An if-needed date is also scheduled for August. (See Gongwer Ohio Report, June 27, 2018)

The mail-related measure (HB 34) is designed to save money and increase efficiency for local entities by changing what is required to be sent by certified mail, said Sen. Bill Coley (R-Liberty Twp.).

It would allow local entities to send public notices by regular mail if they were also sent by email, he said.

"These are some great things that should improve notification for citizens and also save our local governments a lot of money," he said.

The measure also picked up an amendment in committee that would allow county prosecutors to represent port authorities, planning commissions and regional airports, he said.

Sen. Joe Uecker (R-Loveland) said the POW/MIA flag measure (HB 254) would designate certain state buildings to fly the flag on certain holidays, reflecting requirements in federal law.

"HB254 is an act to recognize the service of those individuals and to recognize that their sacrifice will never be forgotten," he said.

The proposal dealing with shoreline improvements (SB 51) would allow shoreline improvements as part of a special improvement district. Sponsor Sen. John Eklund (R-Chardon) said it would include specific requirements for the projects, including that they would need 100% support among residents.

Levies could be assessed for up to 30 years, and the projects would be designed to reduce shoreline erosion, he said.

Projects would be required to comply with zoning and environmental and coastal management laws and rules, he said.

Sen. Sean O'Brien (D-Bazetta) said the ability to fund the projects through this mechanism can help preserve a vital resource.

"We have a lot of work to do there, and this is a step in the right direction that will help abate that problem," he said.

## **Ed Board Boosts Third-Grade Reading Benchmark**

The State Board of Education on Tuesday approved an increase to the Third Grade Reading Guarantee promotion score after rejecting a committee proposal to hike the new standard beyond the Department of Education's recommendation.

The full panel voted 16-0 to increase the score students need to achieve on the Ohio State Test for third grade English and language arts from 672 to 677 for the 2018-19 school year, as recommended by ODE. The move came after the board voted 9-7 to reject a resolution recommended earlier in the day by the Achievement and Graduation Requirements Committee to set the necessary score at 682.

That committee advanced the higher of the two proposed benchmarks by a 4-2 vote, with District 4 board member Pat Bruns and at-large board member Cathye Flory siding against the 682 benchmark.

At-large board member Kara Morgan, who advocated for the higher of the two standards in committee, said the state annually requires the board to re-evaluate and increase the benchmark until it eventually reaches 700, which represents proficiency. While she conceded making the jump to 700 immediately "would be a shock to the system that might not be the best thing for the students," she added that she thinks the state and districts have enough resources in place to deal with the change to 682.

"I just think that it's time to push forward with the pace," she said, adding that the board could move forward with a smaller increase next year if this year's increase proves too taxing for districts.

Ms. Bruns and Ms. Flory both said they could not support the change to 682 without conducting additional conversations with their constituents. The committee last month delayed its vote on the recommendation to give its members more time to discuss the change to 677 with local school district officials. (See Gongwer Ohio Report, June 12, 2018)

District 11 board member Meryl Johnson was among the nine members who sided against the higher of the two possible increases when the measure came to the full board for a vote. She said she felt raising the promotion score too drastically could lead to a financial strain on districts that could be forced to devote more staff time and other resources to intervention efforts with students who fall short of the standard.

"This is an unfunded mandate," she said.

Other board members argued raising the score more sharply could benefit local school districts.

Sarah Fowler, who represents District 7, said the state board is drawing out the legally required process of getting to the score of 700, which leads to more year-to-year uncertainty for school districts.

"If we're going to give the districts the stability that they've asked for, we have to get to proficient," she said.

District 10 board member Nick Owens said he also feels it's time for the state to "speed it up" in terms of expectations for school districts.

"I don't want us to be on a 10-year quest or a 28-year quest," he said of the mandate to eventually hike the score at 700.

After the board rejected the committee's recommendation, it moved to reconsider the resolution and accepted an amendment to move forward with the score of 677. Ms. Fowler cast the lone vote against the change before the board unanimously approved of the legislation.

In other action, the board unanimously voted to delay the implementation of overall grades for career and technical schools on state report cards for a year, adopt 2018 standards for principals and approve the transfer of territory from the Milford Exempted Village School District to the Indian Hill Exempted Village School District.

### **Gubernatorial Hopefuls Address Infrastructure, Transportation Plans**

Both Mike DeWine and Richard Cordray on Tuesday promised if elected governor to empower local communities to help guide their administration's approach to infrastructure, workforce development and other pressing local issues.

Their remarks were delivered at a downtown Columbus hotel and directed at attendees of an Ohio Association of Regional Councils conference. There the pair addressed the audience in separate Q&A sessions on how they'd grapple with aging roads and bridges, inadequate mass transit and other challenges.

The two candidates overall stuck to the issues at hand but did make time to trade a few barbs on the ongoing Electronic Classroom of Tomorrow controversy and on where blame should lie for the opioid epidemic.

Regarding infrastructure, the two candidates laid out differing plans, but neither confirmed whether they would support potential revenue streams including indexing the motor fuel tax to the Consumer Price Index or increasing the use of tolls.

Attorney General DeWine said one of his first acts in the governor's seat would be to create a blue-ribbon commission to examine those and other funding ideas.

"We will put citizens on there," the Republican said. "We will put experts on there. I will give them a very short period of time to come back and give a report about the status of our infrastructure. Once that has come back we need to have that candid discussion. What a governor owes the state is honesty, a candid discussion about exactly where we are."

Mr. Cordray was unimpressed.

"A blue-ribbon commission is often an excuse for not being ready to lead or not being ready to set a direction for the state," the Democrat said. "I think if you're running for governor of the state you bear a responsibility to set a direction and I've made my commitment and I will follow through on it."

Mr. Cordray's commitment entails a "significant" bond issue that he believes voters would support thanks to their frustration with inaction from leaders in Washington and Ohio. He declined to specify the exact size of the bond issue he would put forth.

"I'll go to the people and make the case and I believe they'll support that because they'll understand long-term financing is suitable to a long-term investment of this kind and they'll want to know we're doing something to improve our roads and bridges and get broadband across the state," he said.

Other pressing issues addressed by the duo included:

**Opioids:** Mr. Cordray continued laying some of the blame for the growth of the epidemic at Mr. DeWine's feet - a charge Mr. DeWine staunchly denied.

"When you hold public office you bear responsibility and if you're not prepared to bear responsibility you shouldn't hold public office," Mr. Cordray said. "On his watch the opioid deaths tripled in Ohio. That's a fact. There's no wishing that away."

Mr. DeWine called it "absurd" to blame him for the growth of the opioid epidemic and said his opponent has his work cut out for him if he plans to convince Ohioans that's the case.

"I don't think anybody thinks I'm to blame for the drug problem," Mr. DeWine said. "I think the real question is who has taken action? I have taken action. We have a 14-point plan. Cordray has no plan."

The Republican candidate stressed prevention starting as early as kindergarten and said he would double the number of attorney general task forces dedicated to the issue if elected. He also said he intends to ensure his first state budget includes an infusion of dollars to support anti-opioid efforts targeted at children.

"While we cannot project next year's budget or what will be available, one thing I will commit to is there will be significantly more money for every county in the state regarding children's services," he said.

**Workforce Development:** Mr. DeWine called for a cultural shift by renewing the emphasis on-trade schools rather than funneling all students toward traditional colleges. He also stressed the early childhood education plan he rolled out last month as one solution. (See Gongwer Ohio Report, June 28, 2018)

"There is no magic solution," Mr. DeWine said. "I think a governor can impact the culture... (and) has the best ability to talk to people in the state than anybody else does."

Mr. Cordray said he agrees with some of those points, but additionally expressed a desire to expand childcare options for working parents, provide additional support for community colleges, and establish universal preschool.

"It is not a looming economic problem for Ohio," he said. "I think it is a current economic problem for Ohio."

**Transportation Technology:** Both men expressed a desire to ensure Ohio remains at the vanguard of technological advancements in this area.

Mr. Cordray specifically said he wants to ensure the state deploys the same technology, where applicable, in both urban and rural areas.

And Mr. DeWine called advancements "exciting," adding that "quite candidly, we're either going to adapt and move forward or we're going to get left behind."

**ECOT:** Mr. DeWine defended his legal work as his office attempts to reclaim funding from the shuttered Electronic Classroom of Tomorrow and its founders. (See Gongwer Ohio Report, July 5, 2018)

"Other people have talked, we've taken action," Mr. DeWine said. "We're using every single tool that we can to recover taxpayers' money from Bill Lager, and anyone else who benefited. ... We will not stop until we have done absolutely everything we can."

But Mr. Cordray said his administration would be more aggressive in pursuing accountability in such cases. He and Democrats have criticized Mr. DeWine for not acting against ECOT sooner.

"We need a state government that is willing to hold people accountable and willing to separate what's working and what's not," Mr. Cordray said.

**Other Issues:** Although both men received mostly the same questions, there were a few differences. Mr. DeWine was quizzed on how he'd tackle agricultural runoff fueling harmful algal blooms.

Without sharing details, Mr. DeWine said he wants a science-based approach fashioned with input from all sides of the issue.

"We're going to be reaching out to the experts in this area," Mr. DeWine said. "I don't have all the answers sitting up here but my commitment is...what we do will be scientific-based, but I will lead in this area. It certainly appears that what we are doing is not getting it done."

And Mr. Cordray received a query about JobsOhio - the quasi-public agency that has drawn criticism for its lack of transparency in economic development dealings.

Mr. Cordray said overall that JobsOhio has an important mission that should be furthered and that the entity is a "very powerful and flexible tool" he could utilize as governor.

"But I do want it to be transparent so we know what's happening with it," he said. "And the collaboration with local (governments) and councils of your kind possibly could be improved, but I do think that's a tool I'll be interested to work with."

**Supreme Court Pick:** Lastly, both men sounded off on President Trump's selection of D.C. Court of Appeals Judge Brett Kavanaugh for the upcoming Supreme Court vacancy. (*See separate story*)

"I'm very excited about this nomination," Mr. DeWine said. "The president of the United States continues to be consistent in putting people on the federal bench who are conservatives and constructionists. Kavanaugh is extremely well qualified for this job. I support him and look forward to seeing him on the court."

Mr. Cordray was less enthusiastic about the selection, saying that it "underscores the critical need for Ohioans to have...a governor who will stand on their side and fight back against attempts to undermine our rights."

Mr. Cordray previously received campaign contributions from Judge Kavanaugh as both worked as clerks for retiring U.S. Supreme Court Justice Anthony Kennedy. Mr. DeWine's campaign seized on that fact in an effort to paint the candidate as a hypocrite.

But Mr. Cordray said his past with the SCOTUS candidate is no different than with any other attorney or judge he's crossed paths with throughout his work experience.

"I've had various dealings with a lot of lawyers and judges over the years," Mr. Cordray said. "I have relationships with a lot of people who have argued and spent time with the Supreme Court from clerking there and arguing the cases I've argued there over the years."

### **Panel Suggests Revisions To State Report Cards**

A State Board of Education working group's initial recommendations for changes to state report cards for school districts include moving away from letter grades and eliminating or revising the K-3 literacy category.

The full board Tuesday reviewed and discussed the changes suggested by the working group, which is set to reconvene in October to analyze report cards for the 2017-18 school year and consider additional recommendations. The group features members of the board's Accountability and Continuous Improvement Committee, along with representatives from outside education groups, including the Buckeye Association of

School Administrators, the Ohio Education Association, the Ohio PTA and the Ohio School Boards Association, among others.

The group's draft report calls the K-3 Literacy category on the existing report card "misleading" and recommends the legislature eliminate it or replace it with a category named "promotion rate," which measures the percentage of students meeting Third-Grade Reading Guarantee requirements for advancement to fourth grade. If the K-3 Literacy measure remains, the group requests the state rename it to better reflect what it is measuring.

"Report card users think it is a measure (of) literacy performance for all K-3 students when in fact it is a complicated portrayal of efforts to improve outcomes for struggling readers," the report states. "Some schools may have a small number of students struggling with literacy, while the vast majority of students are succeeding - but the current measure only reflects the struggling students."

The report also recommends the legislature eliminate the Indicators Met category as a graded measure and rely on districts' Performance Index scores to measure achievement. The report states the Indicators Met measure has "inherent weaknesses" because it does not "differentiate between schools that are close to meeting or far from meeting a target."

On the topic of letter grades, the report recommends they be replaced with "descriptive labels" such as "Does Not Meet Standards" and "Meets Standards," although it notes the group intends to discuss the idea in greater detail when it reconvenes in October.

Among the other topics set for further consideration this fall include how the report card can better represent value added, or the amount a student or group of students progresses in a year.

Nancy Hollister, the board's vice president, stressed the preliminary nature of the report, which has not been voted on by the full board.

"This is a list of recommendations," she said. "This is the beginning of a subject that needs to be discussed. This is not an end-all."

The board's effort to suggest revisions to the report card comes amid Rep. Mike Duffey's (R-Worthington) ongoing push for a measure (HB 591) to overhaul the state's system for evaluating school districts. (See Gongwer Ohio Report, May 23, 2018)

The lawmaker said he later would author a full review of the group's draft report, but offered initial suggestions to the board Tuesday.

Instead of suggestions for individual categories, Rep. Duffey said he encouraged the group to take a holistic approach in its recommendations for updating the report card system. He also expressed concern because the full board is not expected to vote on the group's recommendations until the fall or winter.

"It may be too late to have much of an impact on the current legislative process," he said.

District 5 Board member Lisa Woods said she was appreciative of the panel's work, but disappointed with its pace.

"I wish we would have gone a little faster and a little deeper and actually had some effect on this coming report card," she said.

District 11 board member Meryl Johnson said she's glad the working group is taking a "deep dive at a very complicated issue"

She said she thinks the existing report card system can lead to unfair consequences for certain districts, including state takeovers.

"When you have an unreliable measure that's being used to disenfranchise a community, that's a problem," she said.

Rep. Duffey said certain categories on the existing report card can better reflect a district's wealth rather than the work of its educators, something he is hoping to correct with his legislation.

#### **High Court: Class Action BWC Suit Seeks Legal Relief, Filed In Wrong Court**

A class action lawsuit against the Bureau of Workers' Compensation over administration fees collected by a third party must be filed in the Court of Claims, the Ohio Supreme Court ruled Tuesday.

Writing for the majority, Chief Justice Maureen O'Connor found that the lawsuit was improperly filed in common pleas court because it seeks a form of legal relief rather than equitable relief.

The case stems from a 2010 lawsuit filed by Michael Cirino in Cuyahoga County Common Pleas Court seeking to recoup administrative fees collected by JP Morgan Chase, the court's media arm reported.

Mr. Cirino argued that a 2006 law that paved the way for BWC payments through debit cards required the agency to cover all administrative costs.

However, Mr. Cirino said he incurred several \$5 fees by accessing his bimonthly payments while visiting a bank teller.

After consulting with a lawyer, he filed the class action lawsuit arguing that it is injured workers that are paying the administrative cost despite the 2006 law.



The BWC sought to dismiss the case, contending Mr. Cirino was seeking legal relief. But the trial court and the Eighth District Court of Appeals disagreed.

"The crux of the claim is therefore that the bureau has improperly allowed benefit recipients to be harmed by fees charged by Chase and that the proper relief is to have the bureau pay money to compensate for that loss," Chief Justice O'Connor wrote in overturning the lower court rulings. "The claim therefore seeks compensatory relief - a classic form of legal relief."

Mr. Cirino also unsuccessfully argued that the claim is equitable because Chase acts as the BWC's agent.

"Assuming without deciding that an agency relationship existed, neither Cirino nor the trial court nor the court of appeals has pointed to evidence that the bureau has the power in any such relationship to control the disposition of funds that have been charged by Chase as fees," Chief Justice O'Connor wrote. "The court of appeals and the trial court did not analyze this issue, and Cirino has disclaimed reliance on an agency argument altogether."

She was joined in her opinion by Justice Patrick Fischer and Justice Mary DeGenaro.

In a separate concurring opinion joined by Justice Sharon Kennedy and Justice Judith French, Justice Patrick DeWine found that the funds for which Mr. Cirino is seeking restitution are not held by the bureau.

"Here, the BWC disbursed the funds held for Cirino to the bank," he wrote. "After the specific funds to which Cirino claims he was entitled were transferred to Chase, the bank deducted the fees that are at issue in this lawsuit. Thus, any remedy due Cirino would be paid not from particular funds held by the BWC to which Cirino can trace entitlement, but from the BWC's funds generally."

In a dissenting opinion, Justice Terrence O'Donnell sided with Mr. Cirino.

"Because Cirino's claim seeks the full monthly benefit of his award, the administrative costs assessed by Chase are costs of administering the benefits program to be borne by the state," he wrote. "Thus, this is an equitable claim and therefore the common pleas court, not the Court of Claims, has jurisdiction in this case."

### **Kavanaugh Nomination Leads To Strong Reaction On Both Sides**

Ohio partisans quickly staked out their corners shortly after the president late Monday announced his latest nomination to the nation's highest court.

Those on the left warned in statements that President Donald Trump's selection of Brett Kavanaugh could spell the end of long-standing precedent such as *Roe v. Wade*. Those on the other side of the ideological divide hailed the D.C. Circuit Court judge as an

accomplished jurist that deserves a fair and thoughtful confirmation process in the U.S. Senate.

The political battle that has the potential to shift the court decidedly rightward for decades could play out for months as Mr. Kavanaugh, a staffer in the White House of President George W. Bush, left a lengthy paper trail for Democrats to sift through and scrutinize as they try to mount a daunting challenge to the nominee, one that could reshape midterm election contests across the country.

If confirmed, Mr. Kavanaugh would replace Justice Anthony Kennedy, long the "swing vote" on the court, who, after being nomination by President Ronald Reagan, voted with the liberal bloc on the court to uphold abortion rights and legalize same-sex marriage.

Left-leaning groups and Democrats were quick to emphasize those issues as possibly at stake, while conservative interests and Republicans largely avoided specific issues that could come before the court in the future.

One of the few exceptions was Ohio Right to Life, which said that it looks forward to *Roe* being overturned "so that Ohio can set its own pro-life policies."

"Kavanaugh has a proven judicial record that he will interpret the Constitution as written and will not be an activist justice," President Mike Gonidakis said. "We thank President Trump for holding to his promise that he would nominate pro-life Justices to the court."

U.S. Sen. Rob Portman (R-Terrace Park) was one of several individuals or groups on the right who avoided the issue of *Roe* and instead focused on the confirmation process.

"Judge Kavanaugh has an impressive background," he said. "He is highly regarded as a fair-minded and independent judge and is clearly qualified to serve on the Supreme Court. I look forward to meeting with him in the coming weeks as he goes through a fair and thorough evaluation process."

Americans for Prosperity-Ohio said its national group plans to commit seven figures to supporting Mr. Kavanaugh's confirmation.

"We hoped President Trump would nominate a judge in the likeness of Neal Gorsuch," the group said. "By nominating Judge Kavanaugh, he has kept his promise to select a jurist with an exemplary record of judicial restraint and a commitment to the Constitution, both of which are vital to serving on the highest court."

State Auditor Dave Yost and Senate President Larry Obhof (R-Medina) both praised the nominee, saying he will not legislate from the bench.

"Predictability and stability need to be the hallmarks of the law," Mr. Yost said during a conference call with reporters.

Ohio Republican Party Chairman Jane Timken used the announcement to put U.S. Sen. Sherrod Brown (D-Cleveland) on the spot.

"I urge Democrat Senator Sherrod Brown to learn from his previous mistake of obstructing Justice Neil Gorsuch's confirmation and respect the will of Ohio voters," she said.

Sen. Brown, one of several red state Democrats up for re-election who will face pressure to vote for the president's nominee, said he has "serious concerns" about recent decisions issued by Judge Kavanaugh, including those involving women's rights.

"I plan to review Judge Kavanaugh's record thoroughly and ask him tough questions face-to-face before I make my decision," he said. "I will not support any justice who would take rights away from Ohioans."

Planned Parenthood and NARAL Pro-Choice Ohio also raised the specter of *Roe* in blasting the nomination.

"President Trump promised to appoint justices that would overturn or gut *Roe v. Wade*," NARAL Pro-Choice Ohio Executive Director Kellie Copeland said. "Because this seat on the U.S Supreme Court is the difference between upholding *Roe* and criminalizing abortion and punishing women, the burden of proof must be on the Trump's nominee, Judge Brett Kavanaugh, to proactively prove he will preserve *Roe v. Wade* and not criminalize abortion."

Tyler Dillon, communications director at ProgressOhio, warned that the nomination puts gains made in health care and environmental issues at risk.

"Kavanaugh's nomination threatens affordable access to health care, places corporations above Americans in the eyes of our law, and could destroy protections for our clean air and water," he said.

The Ohio Democratic Party sought to capitalize on the nomination by asking for money.

"Trump's nomination of Brett Kavanaugh could give Republicans the vote they need to overturn *Roe v. Wade*, gut workers' rights and strip away the protections of the Affordable Care Act," it wrote in a fundraising email.

The Ohio Environmental Council characterized the choice as "reckless," saying Judge Kavanaugh will "work tirelessly to undo protections to keep our air, land, and water clean and safe."

### **Exelon Moves To Purchase FirstEnergy Solutions**

The financially troubled FirstEnergy Solutions has found a suitor in the way of Chicago-based Exelon, which is proposing to purchase the company currently seeking bankruptcy protection.

The tentative agreement, which has not yet been approved, is part of FES's ongoing case in U.S. Bankruptcy Court.

Documents filed Tuesday show Exelon is eyeing acquiring FES's wholesale and other commodity contracts for \$140 million in cash.

The prospective buyer has agreed to use "commercially reasonable efforts" to replace guarantees and credit support currently being provided by FirstEnergy in support of ongoing competitive retail businesses.

The filing before the Securities and Exchange Commission states the transaction is expected to close in the fourth quarter of 2018. Either party can terminate the agreement should it fail to close by Dec. 31.

Neither company has commented on the potential deal, which must still be approved by the government.

FES filed for Chapter 11 protections in April in a long-expected move, with the company billing it as a major step in its strategy to exit the competitive generation business and become a fully regulated utility. (See Gongwer Ohio Report, April 2, 2018)

Since then, FES and its parent company, FirstEnergy, have continued to press Ohio lawmakers and the Trump Administration to enact new financial supports to maintain operation of its nuclear plants.

In Ohio that includes any of a trio of bills (SB 128, HB 178 & HB 381) to create a new zero-emissions credit program. Those proposals have gained little traction, however. (See Gongwer Ohio Report, April 23, 2018)

And at the federal level the requested assistance involves engagement of the Federal Power Act to preserve what the company calls vital resources. The move has drawn much opposition from stakeholder groups. (See Gongwer Ohio Report, June 1, 2018)

### **Renacci Pledges To Serve Two Terms; Dialysis Issue Gets Formal Opposition; Group Looks To Make It Easier To Opt-Out Of Unions...**

U.S. Rep. Jim Renacci (R-Alliance) vowed on Tuesday to serve just two six-year terms if he ousts Sen. Sherrod Brown (D-Cleveland) in the fall.

"We have to make sure we get term limits established in Washington because the power base becomes so that people are not voting for their state anymore but they start voting for their leadership," he said during an event in Cincinnati, where he also committed to supporting a constitutional amendment to limit House members to three terms and members of the Senate to two terms.

Rep. Renacci also blasted Sen. Brown for his lengthy career in elected office. But the campaign of the Democrat fired back, with Preston Maddock, communications director, in a statement calling the pledge "worthless."

"He's already said he doesn't believe in term limits and, as a four-term congressman, he's in violation of this gimmick pledge," he said. "Instead of setting fake deadlines for his time in office, Ohio would be better off without Congressman Renacci's anti-worker, self-serving agenda in Congress at all."

In the race to build a campaign war chest, Sen. Brown is far outpacing his challenger, reporting raising \$3.7 million in the second quarter, giving him \$11.1 million on hand.

"Ohioans from across the state are committed to re-electing Sherrod so he can keep fighting for them in the Senate," Rachel Petri, a campaign spokeswoman, said in a statement. "They are volunteering their time, contributing what they can, and building a grassroots campaign to defeat the D.C. lobbyists and special interests that want to replace Sherrod with one of their own."

Rep. Renacci, meanwhile, reported raising more than \$2 million during the quarter. He did not reveal his total on hand.

"It's clear the people of Ohio are tired of career politician Sherrod Brown raising taxes, creating burdensome and unnecessary regulations that hurt Ohio small businesses, and failing to take care of our nation's veterans," he said.

**Formal Opposition:** The Kidney Dialysis Patient Protection Amendment has formal opposition. Nearly 20 groups, including the Ohio State Medical Association, have formed Ohioans Against the Reckless Dialysis Amendment.

Spokesman Gene Pierce in a statement accused the SEIU on Tuesday of having "a long history of abusing the ballot issue process to advance its own political agenda."

"That its amendment would actually harm Ohio dialysis patients comes as no surprise to those familiar with the SEIU's strong-arm tactics," he added.

SEIU spokesman Anthony Caldwell did not respond to a request for comment by publication time.

**Opt-Out:** The Buckeye Institute in the wake of the *Janus* decision has launched a website to help public sector union workers withdraw from their collective bargaining units.

The Workers Choose campaign will allow visitors to WorkersChoose.org to receive detailed information on opting out of their unions.

"For those workers who are happy to continue supporting their government unions, they also have the First Amendment right to maintain their membership in them," CEO and

President Robert Alt said in a statement. "The *Janus* decision is a win for all of our public workers, who are now respected and have a right to choose -- and those choices must be honored. I'm not sure how anyone could be opposed to letting workers decide for themselves."

**Voter Rolls:** A day after Secretary of State Jon Husted issued a series of directives to boards of election on purging voter rolls, one of the lawmakers who hopes to replace him continued to call on him to end the process of removing voters from the rolls due to non-voting.

"This sloppy and costly purge process uses flimsy guesswork to take away people's fundamental right to vote," Rep. Kathleen Clyde (D-Kent) said in a statement. "The secretary of state should stop this harmful and discriminatory use-it-or-lose-it voter purge."

Secretary Husted has repeatedly defended the process, saying it serves to reduce lines and confusion on Election Day and is a guard against voter fraud.

### **Governor's Appointments**

**Statewide Emergency Services Internet Protocol Network Steering Committee:** Chief Mark L. Martin of Massillon (Stark Co.) for a term beginning July 10 and ending Dec. 31, 2020.

**Governor's Council on Juvenile Justice:** Jill N. Tayfel, MFCS, PCC-S of Brecksville (Cuyahoga Co.) was reappointed for a term beginning July 10 and ending Oct. 31, 2020.

**New Americans Advisory Committee:** Frederick Odame, MBA of Liberty Twp. (Hamilton Co.) for a term beginning July 10 and ending May 14, 2020.

**Ohio Statewide Independent Living Council:** Davin Marcum of Coal Grove (Lawrence Co.) and Renee M. Wood of Toledo (Lucas Co.) for terms beginning July 10 and ending March 14, 2021.

### **Supplemental Agency Calendar**

**Thursday, July 19**

~~Canceled: Statewide Independent Living Council, Embassy Suites Columbus Airport, 2886 Airport Dr., Columbus, 1 p.m.~~

### **Supplemental Event Planner**

**Wednesday, July 11**

Gov. John Kasich and OBM Director Tim Keen to announce fiscal year-end deposit to 'Rainy Day' fund., 34th Fl., 30 E. Broad St., Columbus, 10 a.m.

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## Senate Activity for Tuesday, July 10, 2018

### PASSED

**HB 34** ■ **PUBLIC NOTICES** (Hambley, S., Ryan, S.) To authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail, to modify the requirements for public records training for elected officials, and to allow a county prosecuting attorney to enter into a contract with a regional airport authority, port authority, or regional planning commission to be its legal adviser.

30-0

Gongwer Coverage

**HB 123** ■ **LENDING LAWS** (Koehler, K., Ashford, M.) To modify the Short-Term Loan Act, to specify a minimum loan amount and duration for loans made under the Small Loan Law and General Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers.

21-9 (Earlier REPORTED-AMENDED)

Gongwer Coverage

**HB 254** ■ **POW/MIA FLAG** (Wiggam, S.) To enact the POW/MIA Remembrance Act requiring the POW/MIA flag to be displayed at certain buildings operated by the state on Armed Forces Day, Memorial Day, Flag Day, Independence Day, National POW/MIA Recognition Day, and Veterans' Day.

30-0

Gongwer Coverage

**SB 51** ■ **LAKE ERIE** (Skindell, M., Eklund, J.) To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement.


30-0

Gongwer Coverage

### REFERRED

**Agriculture:**




**HB 522**  **LIQUOR PERMITTING (Lanese, L.)** To allow an outdoor refreshment area to include F liquor permit holders.

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### **Government Oversight & Reform:**


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**HB 139**  **PUBLIC DISCLOSURE (Perales, R., Keller, C.)** To eliminate the public disclosure exemption for any permanently retained record 100 years after the date of its creation, with exceptions.


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### **Health, Human Services & Medicaid:**

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**HB 464**  **STROKE PATIENTS (Lipps, S., Antonio, N.)** To provide for recognition of stroke centers and establishment of protocols for assessment, treatment, and transport to hospitals of stroke patients.


**HB 541**  **VOLUNTEER HEALTH SERVICES (Patterson, J., LaTourette, S.)** To authorize health professionals licensed in other states to provide volunteer health services during charitable events.


**SCR 25**  **TITLE X FUNDING (Thomas, C., Tavares, C.)** To express opposition to proposed changes in federal regulations governing the Title X National Family Planning Program and to declare support for access to all legal family planning services and related counseling.

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### **Local Government, Public Safety & Veterans Affairs:**


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**HB 315**  **DAY DESIGNATION (Arndt, S.)** To designate October 6 as "S.M.A.R.T. Parent Day."


**SB 311**  **DAY DESIGNATION (Hoagland, F., Williams, S.)** To designate June 12 as "Women Veterans' Day."

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## Transportation, Commerce & Workforce:

**SB 312**  **ROAD NAMING (Burke, D.)** To designate a portion of State Route 4 in Marion County as the "Army Cpt. Stephen J. Chaney Memorial Highway."

## Ways & Means:

**HB 361**  **TAX COMPLAINTS (Greenspan, D.)** To increase the time within which boards of revision must decide property tax complaints.

## COMMITTEE HEARINGS

### Finance

**HB 123** **LENDING LAWS (Koehler, K., Ashford, M.)** To modify the Short-Term Loan Act, to specify a minimum duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers.  
(REPORTED-AMENDED; 7th Hearing-Possible amendments & vote)

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## **Daily Activity Planner for Wednesday, July 11**

### **Legislative Committees**

No legislative committees scheduled.

### **Agency Calendar**

Veterinary Medical Licensing Board, 77 S. High St., Room 1914, Columbus, 8:30 a.m.

State Personnel Board of Review, 12th Fl., 65 E. State St., Columbus, 10 a.m.

Venture Capital Authority, 29th Fl., 77 S. High St., Columbus, 1 p.m.

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

### **Event Planner**

Gov. John Kasich and OBM Director Tim Keen to announce fiscal year-end deposit to 'Rainy Day' fund., 34th Fl., 30 E. Broad St., Columbus, 10 a.m.

Rep. Richard Brown (D-Canal Winchester) fundraiser, The Paddock Club, 1005 Richardson Rd., Groveport, 5:30 p.m., (Sponsor Levels: Sponsor \$250, Host \$100, Guest \$50 to Citizens for Richard Brown)

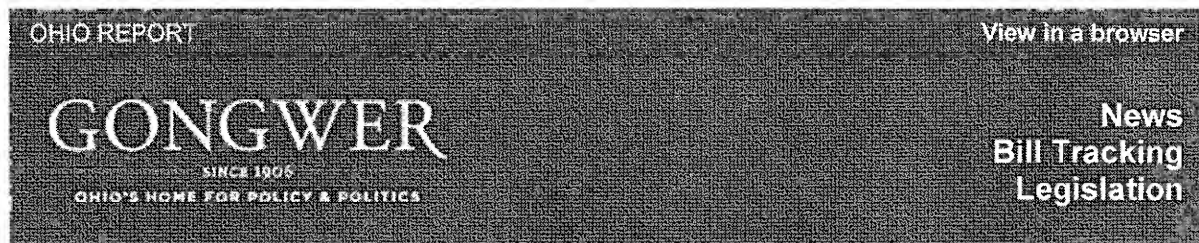
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## **OHIO REPORT TUESDAY, JULY 10**

**Lending Bill Passes Divided Senate, Awaits Final Action By House**

**Public Notice Changes Among Other Measures To Pass Senate**

**Ed Board Boosts Third-Grade Reading Benchmark**

**Gubernatorial Hopefuls Address Infrastructure, Transportation Plans**

**Panel Suggests Revisions To State Report Cards**

**High Court: Class Action BWC Suit Seeks Legal Relief, Filed In Wrong Court**

**Kavanaugh Nomination Leads To Strong Reaction On Both Sides**

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